



City Commission Agenda

for

February 21, 2006

Please Note: The City Commission agenda format allows citizens to speak on each issue prior to Commission discussion. We encourage your participation.

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION OF APPRECIATION

Police Chief Bob Jones

PRESENTATIONS

Soccer Park Update – Jim Rearden and Kreg Jones

PUBLIC HEARINGS

1. Res. 9542, Cost Recovery, 714 6th Avenue South. Assesses total charges of \$4,602 against the property for razing and cleanup of property. Action: Conduct public hearing and adopt or deny Res. 9542. **(Staff Report – Mike Rattray)**
2. Sun River Skeet Club Lease. Approves a two-year lease of a portion of Wadsworth Park with the Sun River Skeet Club. Action: Conduct public hearing and adopt or deny Lease. **(Staff Report – Patty Rearden)**

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

3. Ord. 2928, Amending OCCGF 2.26 Pertaining to the Civic Center Advisory Board. Action: Adopt or deny Ord. 2928. **(Staff Report – Peggy Bourne)**
4. Ord. 2930, Annexation to Continue Water and/or Sewer Service. Action: Adopt or deny Ord. 2930. **(Staff Report – Dave Gliko)**
5. Ord. 2931, Establish City Zoning Upon Meadowlark No. 4 Addition. Assigns zoning classification of R-3 Single-family high-density district to Meadowlark No. 4 Addition. Action: Accept Ord. 2931 on first reading and set public hearing for March 21, 2006. **(Staff Report – Ben Rangel)**
6. Ord. 2932, Establish City Zoning Upon West Ridge Addition, Phase III. Assigns zoning classification of R-2 Single-family medium density district to West Ridge Addition, Phase III. Action: Accept Ord. 2932 on first reading and set public hearing for March 21, 2006. **(Staff Report – Ben Rangel)**

7. Res. 9547, Intent to Vacate Northerly Segments of 3rd Ave. So. Abutting Sunrise Court. Action: Adopt Res. 9547 and set public hearing for March 7, 2006. **(Staff Report – Ben Rangel)**
8. Res. 9554, Rescinding Approvals Associated with Source Giant Springs Addition. Rescinds City Commission action taken on May 7, 1996, to adopt Res. 8799 pertaining to Source Giant Springs Addition. Action: Adopt or deny Res. 9554. **(Staff Report – Ben Rangel)**

CONSENT AGENDA *The Consent Agenda is made up of routine day-to-day items that require Commission action. Items may be pulled from the Consent Agenda for separate discussion/vote by any Commissioner.*

9. Minutes, February 7, 2006, Commission meeting.
10. Total Expenditures of \$1,054,083 for the period of January 27 through February 13, 2006, to include claims over \$5000, in the amount of \$877,276.
11. Contracts list.
12. Approve 2006 Citizen Participation Plan for use in funding HUD programs.
13. Approve Engineering Services Contract with Thomas, Dean & Hoskins, Inc., in an amount not to exceed \$169,000 for engineering services to be performed on the Water Treatment Plant Upgrades.
14. Award contract to McLees Incorporated in the amount of \$50,894 for the Community Recreation Center Roof.
15. Approve Engineering Services Amendment #3 with Neil Consultants, Inc., in the amount of \$9,315 for additional engineering design services and construction management services for the Agricultural Business Park Sanitary Sewer Main Extension.
16. Approve Engineering Services Amendment #1 with Neil Consultants, Inc., in the amount not to exceed \$44,640 for engineering services to be performed on the Water Treatment Plant Sludge Basin Rehabilitation Phases II & III.
17. Award bid for one new 2006 sewer-jet cleaner, truck mounted to the lowest responsible bidder meeting qualifications, Utility Specialties, Inc., of Butte, Montana, in the amount of \$161,990.
18. Award bid for one new 2006 sewer-vacuum, trailer mounted, to the lowest responsible bidder meeting qualifications, Utility Specialties, Inc., of Butte, Montana, in the amount of \$79,419.
19. Award bid for three new front deck mowers to the lowest responsible bidder meeting qualifications, Midland Implement of Billings, Montana, in the amount of \$47,913.
20. Authorize purchase of Golf Course Management Software and Point of Sale System from Vermont Systems.

Action: Approve Consent Agenda or remove items for further discussion and approve remaining items.

BOARDS & COMMISSIONS

21. Appointments, Park & Recreation Board. Appoint two new members for three-year terms through December 31, 2008, and reappoint John Trovatten for a three-year term through December 31, 2008.

22. Appointment, Business Improvement District. Appoint one member to the Business Improvement District to fill the remainder of a four-year term through June 30, 2007.
23. Miscellaneous reports and announcements.

NEIGHBORHOOD COUNCILS

24. Miscellaneous reports and announcements.

CITY MANAGER

25. Miscellaneous reports and announcements.

CITY COMMISSION

26. Miscellaneous reports and announcements.

PETITIONS AND COMMUNICATIONS

27. Miscellaneous reports and announcements.

ADJOURN

A G E N D A R E P O R T

DATE: February 21, 2006

ITEM Res. 9542, Cost Recovery, L4, B472, GF Original Townsite Add., 714 6th Avenue South

INITIATED BY Community Development Department

ACTION REQUESTED Conduct Public Hearing and Adopt Res. 9542

PREPARED BY Jay Parrott, Building Inspector

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

- - - - -

RECOMMENDATION:

After closing the public hearing staff recommends the City Commission adopt Resolution 9542 and assess the total charges of \$ 4,602.00 against the property with interest and penalties on the unpaid balance.

MOTION:

I move to adopt Resolution 9542.

SYNOPSIS:

The owner of the property at Lot 4, Block 472, Great Falls Original Townsite Addition, Great Falls, Cascade County, Montana, was issued a "Notice of Hearing" before the City Commission of Great Falls to appear at 7:00 p.m., February 21, 2006. The hearing is to show cause why the owner of the property should not be liable for the costs incurred in razing and cleanup of the structure known as 714 6th Avenue South. The following expenses were incurred:

| | |
|--|--------------------|
| Asbestos sampling by <i>City of Great Falls</i> staff | \$ 253.00 |
| Removal of Asbestos siding on garage | \$ 587.00 |
| Administrative Fee | \$ 260.00 |
| Ownership and encumbrance report by <i>Stewart Title</i> | \$ 110.00 |
| Recording Fee | \$ 12.00 |
| Publishing – Legal Ad | \$ 35.00 |
| Razing Fee | \$ 45.00 |
| Demolition & cleanup by <i>Wayne Riley Construction</i> | <u>\$ 3,300.00</u> |
| TOTAL COSTS INCURRED | <u>\$ 4,602.00</u> |

BACKGROUND:

Staff has taken the following action:

| <u>Action</u> | <u>Date</u> |
|---|-------------|
| Initial inspection of property | 11-02-04 |
| Condemned with Sixty-day notice mailed | 11-03-04 |
| Building permit applied for Permit valid for 180 days for issuance | 06-27-05 |
| Building permit revoked No action by property owner | 01-17-06 |
| Razing started by contractor | 01-18-06 |
| Final inspection and approval by staff | 02-01-06 |

Notification that a public hearing would be held on February 21, 2006, at 7:00 p.m., for the purpose of assessing said costs on the above-mentioned property was given to the property owner and published in the TRIBUNE on February 11, 2006.

cc: Coleen Balzarini, Controller
Judy Burg, Fiscal Control/Tax

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Commission will hold a public hearing on February 21, 2006, at 7:00 p.m., in the Commission Chamber of the Civic Center for assessing razing and cleanup costs on the following property in the amount set forth:

714 6th Avenue South \$ 4,602.00

Any person interested or affected by the proposed charge may file written protests or objections, containing the description of the property and the grounds for such protest or objections, with the Clerk's office prior to the time set for the hearing.

BY ORDER OF THE CITY COMMISSION

Peggy J. Bourne, City Clerk

OFFICE USE ONLY

Publication Date: February 11, 2006

cc: Account # 451-7121-572-3599
Peggy J. Bourne, City Clerk
Itemized Account
Owner: Len Reed
P.O. Box 2432
Great Falls MT 59403-2432
Post on Property
Property File

ITEMIZED ACCOUNT FOR RECOVERY OF ABATEMENT COSTS

The following expenses were incurred during the razing and cleanup of property at Lot 4, Block 472, Great Falls Original Addition, Great Falls, Montana, more commonly known as 714 6th Avenue South.

| | |
|--|--------------------|
| Asbestos sampling & testing by <i>City of Great Fall</i> staff | \$ 253.00 |
| Removal of asbestos siding on garage | \$ 587.00 |
| Administrative Fee | \$ 260.00 |
| Ownership and encumbrance report by <i>Stewart Title</i> | \$ 110.00 |
| Recording Fee | \$ 12.00 |
| Publishing – Legal Ad | \$ 35.00 |
| Razing Fee | \$ 45.00 |
| Demolition & cleanup by Wayne Riley Construction | <u>\$ 3,300.00</u> |
| TOTAL EXPENSES INCURRED | <u>\$ 4,602.00</u> |

RESOLUTION 9542

A RESOLUTION ASSESSING THE COSTS INCURRED IN RAZING AND CLEANING OF THE PROPERTY LOCATED AT LOT 4, BLOCK 472, GREAT FALLS ORIGINAL TOWNSITE ADDITION, GREAT FALLS, CASCADE COUNTY, MONTANA, ADDRESSED AS 714 6th AVENUE SOUTH, AGAINST SAID PROPERTY.

WHEREAS, the owner of the property located at Lot 4, Block 472, Great Falls Original Townsite Addition, Great Falls, Montana, 714 6th Avenue South was issued a notice to raze the structure.

WHEREAS, after due notice the property owner did not raze the structure.

WHEREAS, staff hired a contractor to raze the structure and clean the property.

WHEREAS, the contractor completed razing & cleanup with staff approving the work.

WHEREAS, the City Commission set February 21, 2006, at 7:00 p.m. for this hearing, to show cause why the property owner should not be held liable for the costs incurred in razing and cleanup of said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, THAT:

The amount of \$ 4,602.00 for razing and cleanup costs incurred in the abatement of a nuisance at Lot 4, Block 472, Great Falls Original Townsite Addition, Great Falls, Montana, described as 714 6th Avenue South, be assessed against the property itself, with interest and penalties on the unpaid balance.

PASSED by the Commission of the City of Great Falls, Montana, on this 21 day of February, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

State of Montana)
County of Cascade: ss.
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9542 was placed on its final passage and adoption, and was passed and adopted by the City Commission of said City at a Regular Meeting thereof held on the 21 day of February 2006, and approved by the Mayor of said City, on the 21 day of February, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 21 day of February, 2006.

Peggy J. Bourne, City Clerk

A G E N D A R E P O R T

DATE February 21, 2006

ITEM Sun River Skeet Club Lease

INITIATED BY Sun River Skeet Club

ACTION REQUESTED Approve Lease

PREPARED & PRESENTED BY Patty Rearden, Interim Park & Recreation Director

RECOMMENDATION:

Staff recommends that the City Commission conduct a public hearing and barring sufficient protest approve the lease with the Sun River Skeet Club.

MOTION:

“I move the City Commission approve a two year lease of a portion of Wadsworth Park with the Sun River Skeet Club.”

SYNOPSIS:

As required by Title 3, Chapter 12, OCCGF, before final consideration of lease of City property, the City Commission shall hold a public hearing to receive comment regarding such a lease.

The Sun River Skeet Club has requested the City continue their lease of Wadsworth Park. The two year lease includes an increase in fee for Area E from \$300/year to \$450/year. Lease is for two (2) years with no renewal clause. This lease will conclude after two years due to the current area of impact being in conflict with other park uses and requires the Sun River Skeet Club to relocate its facility at the conclusion of the term of this lease. It is recommended in the lease that the Club continue to be proactive in developing new facilities at the Great Falls Shooting Sports Complex.

BACKGROUND:

In 1998 the City Commission approved Resolution 9873, Wadsworth Park Master Plan. It was recommended at that time that “The Sun River Skeet Club will be allowed to continue their existing lease (expires September 5, 2000) and if requested, will be granted a three (3) year extension. After that time, a lease could be granted annually, at the discretion of the City. Eventually, the Sun River Skeet Club will be required to relocate its facility. It is recommended that the Skeet Club be proactive in their pursuit of alternate facility locations. The Skeet Club’s current area of impact is in conflict with other park uses, as determined by observed shot fall north of the levee. Because of this, it is necessary that the Skeet Club be relocated.”

On September 5, 1995, the City Commission approved a five (5) year lease. On September 2000, the City Commission renewed the existing lease on a year to year basis up to a maximum of five (5) years.

With proposed improvements to Wadsworth Park it is recommended that the lease be awarded for two years, with no renewal clause. The Park and Recreation board approved the two (2) year renewal at its September 21, 2005 board meeting.

A G E N D A R E P O R T

DATE February 21, 2006

ITEM ORDINANCE 2928, AMENDING OCCGF 2.26 PERTAINING TO THE CIVIC CENTER ADVISORY BOARD

INITIATED BY CITY COMMISSION

ACTION REQUESTED ADOPT ORDINANCE 2928 ON FINAL READING

PRESENTED BY PEGGY BOURNE, CITY CLERK

RECOMMENDATION

Staff recommends the City Commission adopt Ordinance 2928 on final reading.

MOTION

“I move the City Commission adopt Ordinance 2928.

SYNOPSIS

Ordinance 2928 amends Ordinance 2729 which created and established the Civic Center Advisory Board in 1997. Since that time, there have been numerous staff transitions, streamlining of the Events office and the establishment of the Civic Center as a convention facility. Staff, with the concurrence of the current Civic Center Advisory Board, recommends favorable consideration of this ordinance.

BACKGROUND

In 1997 the City Commission adopted Ordinance 2729 which created the Civic Center Advisory Board. Since that time, some of the responsibilities that were originally incorporated into the Board’s scope of duties have migrated to other departments. The proposed ordinance eliminates the specific list of duties and replaces it with broad language pertaining to the overall function and operation of the Civic Center as the Mansfield Center for the Performing Arts as well as a convention center. This broad language will allow the advisory board to be flexible and adapt to issues as they arise. The original ordinance included language that would insinuate that the scope of duties followed that of a governing board rather than an advisory board. Staff proposed eliminating that language in order to bring the Board in-line with the City Commission’s other advisory boards.

Finally, Staff proposed the name of the board be changed to the Mansfield Center for the Performing Arts Advisory Board in order to bring more awareness of the name change and to distinguish the scope of duties as they relate specifically to the use of Civic Center as a performing arts center and convention facility and not as the offices for city government.

ORDINANCE 2928

**AN ORDINANCE AMENDING OCCGF TITLE 2 CHAPTER 26
PERTAINING TO THE MANSFIELD CENTER FOR THE PERFORMING ARTS
ADVISORY BOARD
(FORMERLY CALLED THE CIVIC CENTER ADVISORY BOARD)**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF GREAT FALLS, MONTANA:**

Section 1. That OCCGF Title 2 Chapters 26 pertaining to the Mansfield Center for the Performing Arts Advisory Board be amended as depicted in Exhibit A which removes any language indicated by a strike-out code and adds any language which is bolded.

**PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT
FALLS, MONTANA, this 21st day of February, 2006.**

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF THE CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 2928 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 21st day of February, 2006, and approved by the Mayor of said City on the 21st day of February, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 21st day of February, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

State of Montana)
County of Cascade : ss
City of Great Falls)

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 21st day of February, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 2928 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

Exhibit A

Chapter 2.26

CIVIC CENTER

MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD

Sections:

- 2.26.010 Creation.
- 2.26.020 Purpose.
- 2.26.030 Membership--Appointment--Compensation.
- 2.26.040 Terms.
- 2.26.050 Duties.
- 2.26.060 Reporting.

2.26.010 Creation. There is created a ~~Civic Center~~ **Mansfield Center for the Performing Arts** Advisory Board, which shall hereafter be referred to as "Board." (Ord. 2729, 1997).

2.26.020 Purpose. The Board shall advise the City Commission and City Manager on all matters related to the successful operation of ~~the Civic Center~~ **Mansfield Center for the Performing Arts** facilities including the **use of the Theater, Convention Center, and meeting rooms as well as common areas and facility aesthetics.** ~~and the building's related service areas (e.g. parking lots, public restrooms, common areas).~~

2.26.030 Membership--Appointment--Compensation. The Board shall consist of five (5) to seven (7) members appointed by the City Commission. The members shall serve without compensation. The City Commission shall attempt a balance in membership with representation from these areas: performing arts, conventions and meetings, and civic leaders. (Ord. 2813, 2001; Ord. 2652, 1993)

2.26.040 Terms. The staggered terms of office shall be three years. ~~from and after November 1st of the year of appointment.~~

2.26.050 Duties. A. The Board shall serve in an advisory capacity regarding the operation of ~~the Civic Center~~ facilities **Mansfield Center for the Performing Arts and public meeting rooms.** ~~in the following areas:~~

1. ~~Operational Policies--The Board may review regular operations of the Civic Center facilities including facility rental rates, contractual terms, maintenance, and scheduling priorities.~~

2. ~~Long Range Planning--The Board may engage in a periodical review of the Civic Center facilities and recommend capital project priorities and the appropriate mechanisms for funding the same.~~

3. ~~Operational Enhancement--The Board may review staff levels and responsibilities, budget priorities, and relations with other City of Great Falls departments.~~

4. **B. The Board shall assist in identifying funding strategies for a capital improvement plan and special events which may include fund-raising and foundation development.** ~~Fund-raising—The Board may consider and implement revenue enhancing activities including annual giving special events and in-house programming.~~

~~5. Public Relations—The Board may engage community and civic groups in an effort to increase visibility and appreciation for the Civic Center facilities.~~

~~B. C.~~ C. The duties of the Board shall not necessarily be limited to those items identified above.

2.26.060 Reporting. The Board shall make available copies of regular-meeting minutes **as well as an annual report** to the City Commission and City Manager. ~~Furthermore, the Board shall prepare an annual review of the Civic Center operation for the City Manager.~~

CITY OF GREAT FALLS, MONTANA
A G E N D A R E P O R T

AGENDA # 4
DATE February 21, 2006

ITEM Ordinance 2930, Annexation to Continue Water and/or Sewer Service

INITIATED BY David V. Gliko, City Attorney

ACTION REQUESTED Adopt Ordinance. 2930 on final reading

PRESENTED BY David V. Gliko, City Attorney

RECOMMENDATION:

Staff recommends the City Commission adopt Ordinance 2930 on final reading.

MOTION:

I move the City Commission adopt Ordinance 2930 on final reading.

SYNOPSIS:

The City presents Ordinance 2930 to require the consent of property owners who will receive city water and/or services on parcels outside the city limits to consent to annexation of such parcels as a requirement for continuation of city water and/or sewer service. It is the intention of the city to implement such annexation on several parcels located outside city limits.

BACKGROUND:

It is long been the policy of the city not to allow water and/or sewer services outside the city limits without annexation. However, a number of parcels located outside the city limits are receiving such services through utility connections made over 20 years ago. To remain consistent with the city policy of requiring annexation before the extension of water and/or sewer service, it is deemed necessary to annex all parcels located outside the city limits receiving such utility service. MCA 69-7-201, authorizes the city to require annexation of such parcels located outside city limits as a condition of the continuation of existing water and/or sewer service. The Montana Attorney General opined the city must adopt an ordinance requiring such annexation as a condition for the continuation of water and/or sewer services before taking action on such annexation. Therefore, it is recommended the City Commission adopt Ordinance 2930 prior to annexation of those parcels located outside the city limits as a condition of the continuation of city water and/or sewer service.

ORDINANCE 2930
AN ORDINANCE REQUIRING
ANNEXATION OF PARCELS
RECEIVING WATER AND/OR SEWER SERVICES
OUTSIDE THE CITY

WHEREAS, 69-7-201, MCA, provides that the city may establish rules for the extension of water and sewer service to users outside the municipal boundaries; and,

WHEREAS, the Montana Attorney General has opined that pursuant to 69-7-201, MCA, a city may require the annexation of parcels located outside the city limits receiving water and/sewer services as a condition for the continuation of such utility services to said parcels 46 Op. Atty Gen. No. 12 (1995); and,

WHEREAS, the City of Great Falls does provide water and/or sewer services to certain parcels located outside the city limits and does intend to require annexation of such parcels as a condition to the continuation of such water and/or sewer services;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

That the following be added as follows to the Official Codes for the City of Great Falls:

13.02.090 Annexation Requirements. Property owners of parcels located outside the city limits receiving city water and/or sewer service must consent to annexation into the city of such parcels as a condition of continuation of city water and/or sewer service. Failure of the property owners to consent to such annexation into the city will result termination of water and/or sewer services to such parcels located outside of the city limits.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on the 21st day of February, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

State of Montana)
County of Cascade :ss
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 2930 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 21st day of February, 2006, and approved by the Mayor of said City on the 21st day of February, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 21st day of February, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

State of Montana)
County of Cascade :ss
City of Great Falls)

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 21st day of February, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 2930 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building
On the Bulletin Board, first floor, Cascade County Court House
On the Bulletin Board, Great Falls Public Library

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

AGENDA REPORT

DATE February 21, 2006ITEM Ordinance No. 2931 to Establish City Zoning Upon Meadowlark No. 4 AdditionINITIATED BY Meadowlark Partners, LLP, Property Owner and DeveloperACTION REQUESTED Commission Accept Ordinance No. 2931 on First Reading and Set HearingPREPARED BY Charles Sheets, Planner IAPPROVED & PRESENTED BY Benjamin Rangel, Planning Director**RECOMMENDATION:**

It is recommended the City Commission assign a zoning classification of R-3 Single-family high-density district, to Meadowlark No. 4 Addition, upon annexation to the City.

MOTION:

"I move the City Commission accept Ordinance No. 2931 on first reading and set a public hearing for March 21, 2006, to consider adoption of Ordinance No. 2931."

SYNOPSIS:

Ordinance No. 2931 assigns a zoning classification of R-3 Single-family high-density district, to Meadowlark No. 4 Addition, upon annexation of same to City. The proposed development consists of 18 single-family residential lots located southwest of Grande Vista Park and immediately east of Flood Road.

BACKGROUND:

Last July, the City Commission conditionally approved the preliminary plat of Meadowlark No. 4 Addition. For review purposes, please find attached:

Vicinity map

Reduced copy of final plat of Meadowlark No. 4 Addition

Lots in the subdivision will be accessed by Alpine Drive and West Ferguson Drive to the north and Flood Road to the west. The developer will install standard City paving, curb and gutter in Camas Drive and West Ferguson Drive being dedicated on the subdivision plat. City water and sanitary sewer mains are proposed to be installed in Camas Drive and West Ferguson Drive being dedicated on the subdivision plat. A water main will also be installed in Flood Road right-of-way to loop the water mains in Beargrass Drive and Camas Drive. Surface drainage from the subdivision will flow northeasterly to Alpine Drive and then east to Ferguson Drive on the east side of Grande Vista Park. The final engineering documents relative to the final plat of Meadowlark No. 4 have been prepared by the project engineer and have been approved by the Engineer's Office. Staff concludes that the basic conditions set forth in the conditional approval of the preliminary plat are being met by the developer in the overall process of final plat, final engineering and Annexation Agreement for Meadowlark No. 4.

Subject property is presently zoned in the County as R-2 Low Density Residential District and the applicant has requested the property be zoned for single-family residences, upon annexation to the City.

Section 76-2-304 Montana Code Annotated lists criteria and guidelines, which must be considered in conjunction with establishing municipal zoning on land:

- a) is designed in accordance with the growth policy (comprehensive plan);
- b) is designed to lessen congestion in the streets;
- c) will secure safety from fire, panic or other dangers;
- d) will promote health and the general welfare;
- e) will provide adequate light and air;
- f) will prevent overcrowding of land;
- g) will avoid undue concentration of population;
- h) will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- i) gives reasonable consideration to the character of the district;
- j) gives reasonable consideration to the peculiar suitability of the property for particular uses;
- k) will conserve the value of buildings; and
- l) will encourage the most appropriate use of land throughout the municipality.

Subject property is located on the fringe of the City, which has been attracting high quality single-family dwelling units. The subdivision is a natural projection of urban growth.

Annexation of subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services.

The Zoning Commission, at the conclusion of a public hearing held June 14, 2005, unanimously recommended the City Commission assign a zoning classification of to "A" Residence Use, "A" Area District (which is comparable to R-3 Single-family high density under the new Unified Land Development Code) to Meadowlark No. 4 Addition, at such time the City approves the final plat of the Addition and the annexation of the area contained therein.

It is anticipated the City Commission, following the public hearing on March 21, 2006, will consider an annexation resolution, annexation agreement and final plat for Meadowlark No. 4 Addition, simultaneously with Ordinance No. 2931.

Attach: Ord. No. 2931
Vicinity Map
Reduced Copy of Drawing Portion of Final Plat

cc: Meadowlark Partners, 608 Robin Court
Gary Knudson, Delta Engineering

ORDINANCE NO. 2931

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT, TO MEADOWLARK ADDITION NO. 4, IN SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

● * * * * *

WHEREAS, Meadowlark Partners, LLP, have petitioned the City of Great Falls to annex Meadowlark Addition No. 4, located in the S1/2 of Section 22, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Meadowlark Partners, LLP, have petitioned said Meadowlark Addition No. 4, be assigned a City zoning classification to accommodate single-family residences, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of R-3 Single-family high density district, to said Meadowlark Addition No. 4, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 21st day of March, 2006, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and recommended that the said zoning designation be made, NOW THEREFORE,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, STATE OF MONTANA:

Section 1. That the zoning of Meadowlark Addition No. 4, be designated as R-3 Single-family high-density district classification.

Section 2. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Meadowlark Addition No. 4 into the corporate limits of the City of Great Falls, Montana whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 21st day of March, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

State of Montana)
County of Cascade :ss
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2931 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 21st day of March, 2006, wherein it was approved by said City Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 21st day of March, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

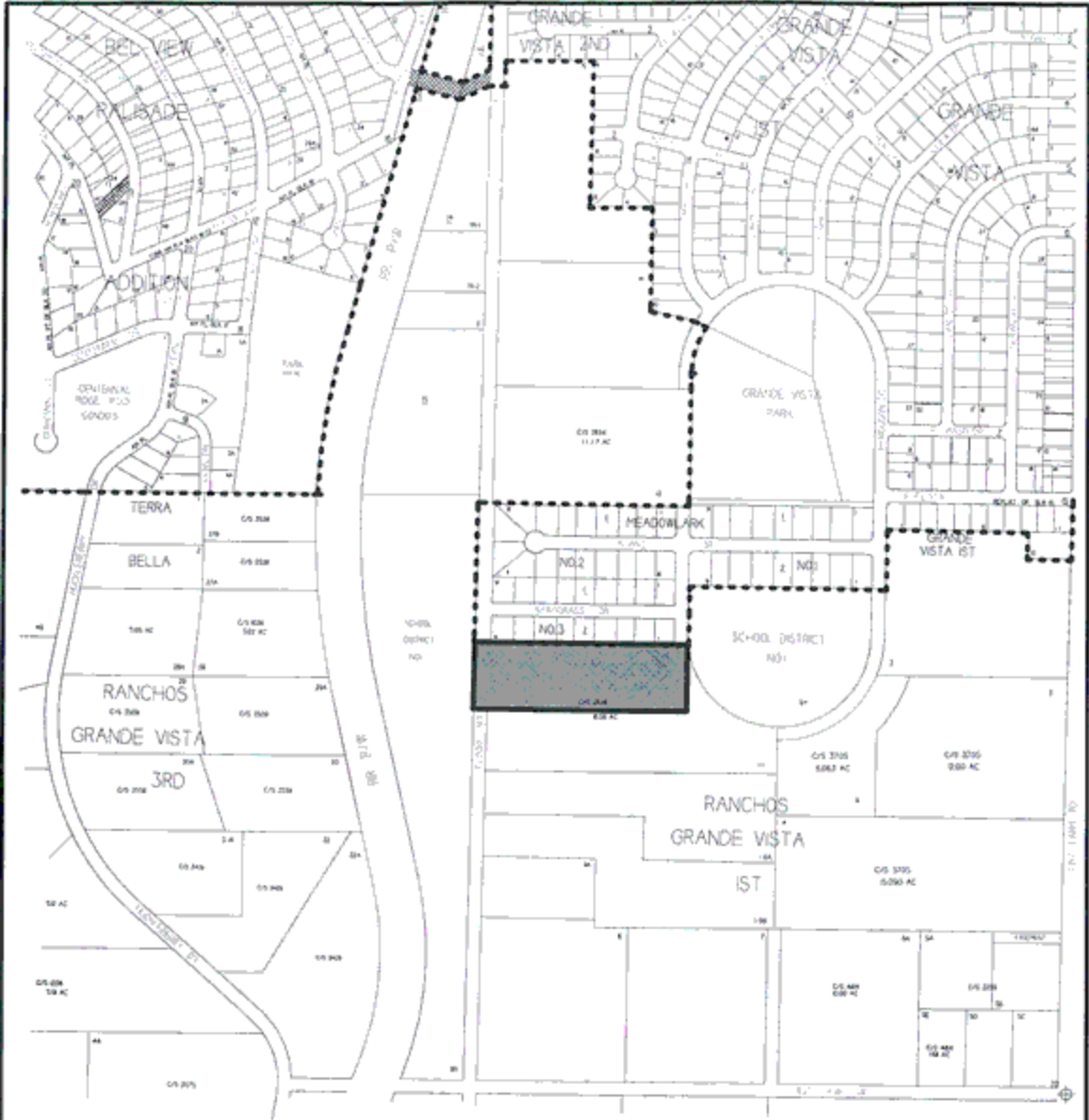
State of Montana)
County of Cascade : ss.
City of Great Falls)

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 21st day of March, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance No. 2931 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:


- On the Bulletin Board, first floor, Civic Center Building;
- On the Bulletin Board, first floor, Cascade County Court House;
- On the Bulletin Board, Great Falls Public Library

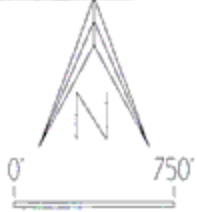
Peggy J. Bourne, City Clerk

(SEAL OF CITY)

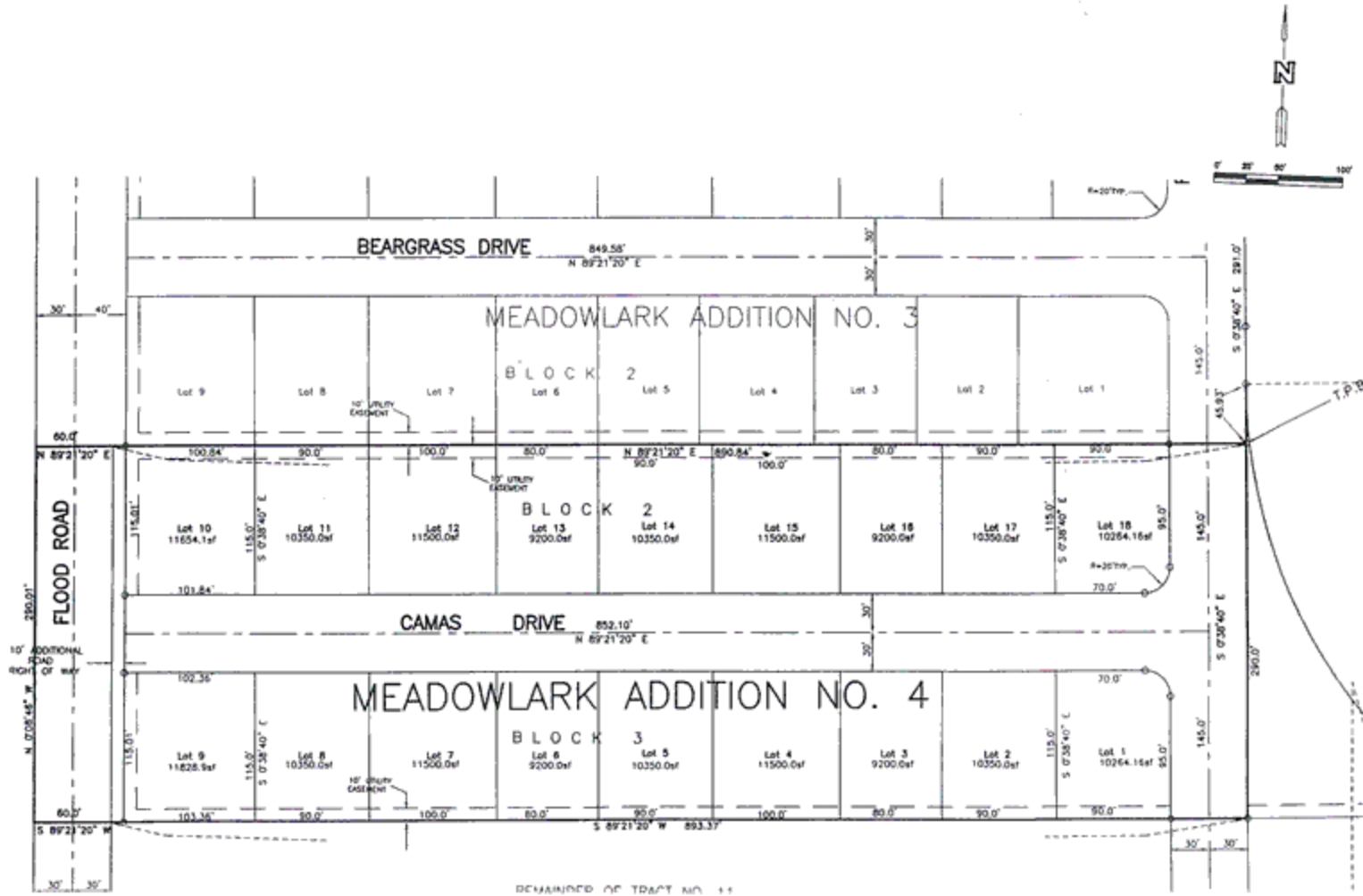


VICINITY MAP

- CITY LIMIT BOUNDARY
-  PROPOSED 6.34 ACRES TO BE ANNEXED AS MEADOWLARK ADDITION # 4 AND ZONED R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT



A SUBDIVISION PLAT OF MEADOWLARK ADDITION NO. 4
 TO CITY OF GREAT FALLS
 IN S1/2, SECTION 22, T 20 N, R 3 E, P.M.M.
 CASCADE COUNTY, MONTANA



AGENDA REPORT

DATE February 21, 2006ITEM Ordinance No. 2932 to Establish City Zoning Upon West Ridge Addition, Phase IIIINITIATED BY S & L Development, L.L.C., Property Owner and DeveloperACTION REQUESTED Commission Accept Ordinance No. 2932 on First Reading and Set HearingPREPARED BY Bill Walters, Senior PlannerAPPROVED & PRESENTED BY Benjamin Rangel, Planning Director**RECOMMENDATION:**

It is recommended the City Commission assign a zoning classification of R-2 Single-family medium density district, to West Ridge Addition, Phase III, upon annexation to the City.

MOTION:

"I move the City Commission accept Ordinance No. 2932 on first reading and set a public hearing for March 21, 2006, to consider adoption of Ordinance No. 2932."

SYNOPSIS:

Ordinance No. 2932 assigns a zoning classification of R-2 Single-family medium density district, to West Ridge Addition, Phase III, upon annexation of same to City. The proposed development consists of 18 single-family residential lots located immediately west of Skyline Education Center.

BACKGROUND:

In November 2002, the City and County Commissions conditionally approved the preliminary plat of West Ridge Addition, a 113 lot single family residential subdivision located on the north and west sides of Skyline Education Center.

The applicant has completed the platting and annexation of Phase I, consisting of 34 lots and Phase II, consisting of a 32-unit residential condominium Planned Unit Development and 6 conventional single-family residential lots. S & L Development, L.L.C., represented by Gary Knudson, now desires to proceed in finalizing the plat of West Ridge Addition, Phase III, located immediately west of Skyline Education Center. Phase III consists of 18 single family residential lots and extensions of 1st Street NE and 34th Avenue Northeast.

For review purposes, please find attached:

- vicinity map
- West Ridge Addition, Phase III, Final Plat

The applicant will install standard City paving, curb and gutter, and 8-inch water and sanitary sewer mains in the involved segments of 34th Avenue NE and 1st Street NE.

Surface runoff from Phase III will drain north to a recently installed storm sewer system in 2nd Street Northeast and 37th Avenue Northeast ultimately discharging into the City's Northeast Regional Storm Water Retention Facility.

The final engineering documents relative to the final plat of Phase III have been prepared by the project engineer and reviewed and approved by the City Engineer's Office. Staff concludes that the basic conditions set forth in the conditional approval of the preliminary plat are being met by the developer in the overall process of final plat, final engineering and Annexation Agreement preparation for Phase III.

Subject property is presently zoned in the County as R-2 Low Density Residential District and it is proposed the property be zoned R-2 Single-family medium density district, upon annexation to the City.

Section 76-2-304 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with establishing municipal zoning on land:

- a) is designed in accordance with the growth policy (comprehensive plan);
- b) is designed to lessen congestion in the streets;
- c) will secure safety from fire, panic or other dangers;
- d) will promote health and the general welfare;
- e) will provide adequate light and air;
- f) will prevent overcrowding of land;
- g) will avoid undue concentration of population;
- h) will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- i) gives reasonable consideration to the character of the district;
- j) gives reasonable consideration to the peculiar suitability of the property for particular uses;
- k) will conserve the value of buildings; and
- l) will encourage the most appropriate use of land throughout the municipality.

Subject property is located on the fringe of the City, which has been attracting high quality single family dwelling units. The subdivision is a natural projection of urban growth.

Annexation of subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services.

It is anticipated the planned single-family use of the property will be compatible with neighboring uses. Therefore, staff concludes the above-cited criteria are substantially met.

The Planning Board, at the conclusion of a public hearing held October 22, 2002, unanimously recommended the City Commission assign a zoning classification of "A" Residence Use, "B" Area District, to West Ridge Addition, Phase III, upon annexation of the area contained therein. In light of the recently adopted Unified Land Development Code which includes new zoning districts and map, Phase III will be zoned R-2 Single-family medium density district upon annexation to the City which matches that classification assigned to Phase I and the conventional portion of Phase II.

It is anticipated the City Commission, following the public hearing on March 21, will consider an annexation resolution, annexation agreement and final plat for West Ridge Addition, Phase III, simultaneously with Ordinance No. 2932.

Attach: Ord. No. 2932
Vicinity Map
Reduced Copy of Drawing Portion of Final Plat

cc: Delta Engineering, P.O. Box 1481

ORDINANCE NO. 2932

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-2 SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO WEST RIDGE ADDITION, PHASE III, IN SECTION 35, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, S & L Development L.L.C., (Shawna K. Rothwell and Leanne K. Bailly) has petitioned the City of Great Falls to annex West Ridge Addition, Phase III, located in the N1/2 of Section 35, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, S & L Development L.L.C., (Shawna K. Rothwell and Leanne K. Bailly), has petitioned West Ridge Addition, Phase III, be assigned a single family residential zoning classification, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of R-2 Single-family medium density district to West Ridge Addition, Phase III, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 21st day of March, 2006, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and recommended that the said zoning designation be made, NOW THEREFORE,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, STATE OF MONTANA:

Section 1. That the zoning of West Ridge Addition, Phase III, be designated as R-2 Single-family medium density district.

Section 2. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing West Ridge Addition, Phase III, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 21st day of March, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

State of Montana)
County of Cascade : ss.
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 2932 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana at a meeting thereof held on the 21st day of March, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 21st day of March, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

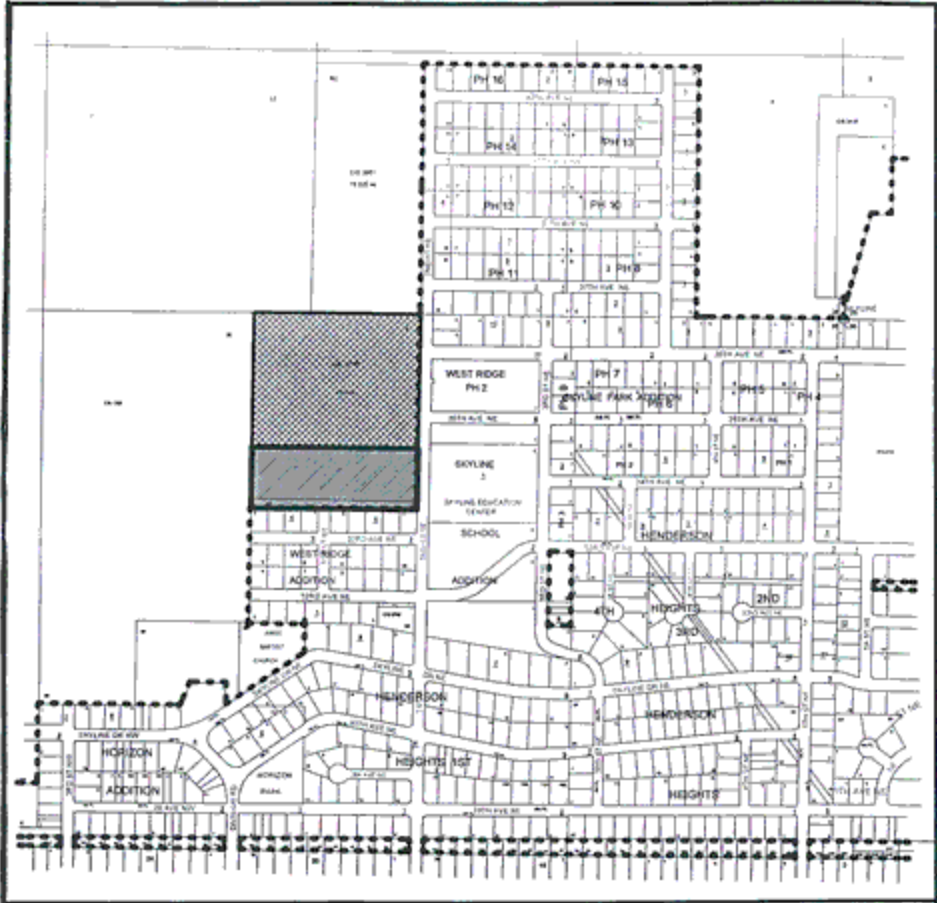
State of Montana)
County of Cascade : ss.
City of Great Falls)

Peggy J. Bourne, being first duly sworn, deposes and says: That on the 21st day of March, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance No. 2932 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:



- On the Bulletin Board, first floor, Civic Center Building;
- On the Bulletin Board, first floor, Cascade County Court House;
- On the Bulletin Board, Great Falls Public Library

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

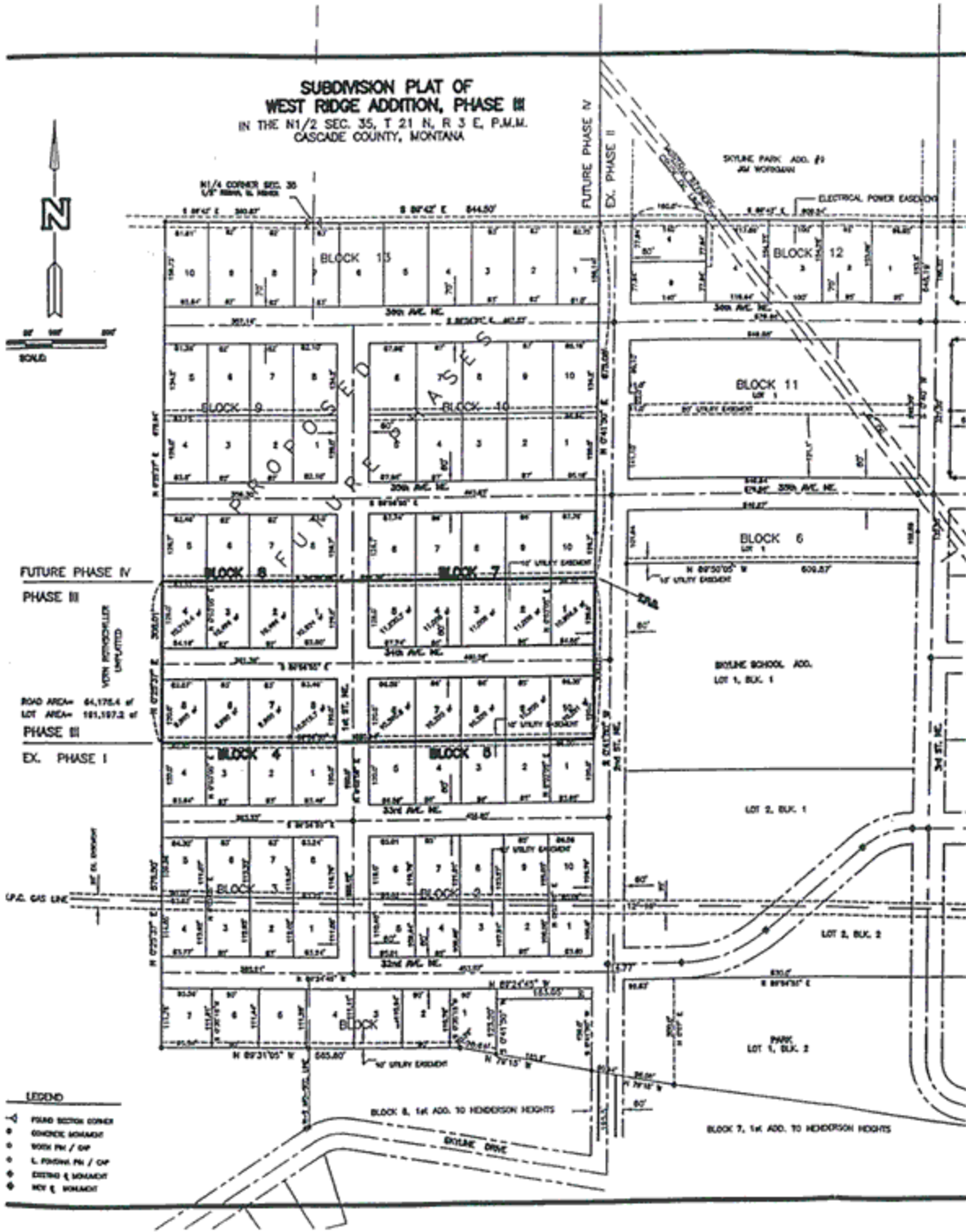
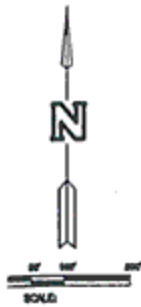


VICINITY MAP

- CITY LIMIT BOUNDARY
-  WEST RIDGE ADDITION PHASE III
-  REMAINDER OF PRELIMINARY PLAT WEST RIDGE ADDITION



**SUBDIVISION PLAT OF
WEST RIDGE ADDITION, PHASE III
IN THE N1/2 SEC. 35, T 21 N, R 3 E, P.M.M.
CASCADE COUNTY, MONTANA**



- LEGEND**
- ◊ PIANO SECTION CORNER
 - CONCRETE MONUMENT
 - WOOD PN / CP
 - ◐ L. PAVING PN / CP
 - ◑ EXISTING E. MONUMENT
 - ◒ NEW E. MONUMENT

AGENDA REPORT

DATE February 21, 2006

ITEM Resolution No. 9547 Intent to Vacate Northerly Segments of 3rd Ave So Abutting Sunrise Court

INITIATED BY Great Falls Housing Authority

ACTION REQUESTED Adopt Resolution No. 9547, and set Public Hearing for March 7, 2006

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

It is recommended the City Commission approve the abandonment of the northerly segments of 3rd Avenue South that abut Sunrise Court Addition.

MOTION:

“I move the City Commission adopt Resolution No. 9547.”

SYNOPSIS:

Resolution No. 9547 sets a public hearing for March 7, 2006, to consider vacating two segments of the unused right-of-way of 3rd Avenue South abutting the south boundary of Sunrise Court Addition. The Amended Plat of Sunrise Court Addition will add the vacated rights-of-way to the abutting Blocks 3 and 4.

BACKGROUND:

The involved portion of 3rd Avenue South was dedicated and annexed to the City as part of the Second Supplement to Sunrise Terrace Addition in 1959 and the Sunrise Court Addition in 1976. No public roadway improvements are located within the rights-of-way requested to be vacated and it has been determined retention and eventual improvement of subject rights-of-way serves no practical or functional purpose. The Great Falls Housing Authority is interested in using the vacated rights-of-way to improve the parking arrangement for the Sunrise Court public housing complex. Upon vacating the two right-of-way, the segments shall become a part of Lot 1, Block 3 and Lot 1, Block 4, Sunrise Court Addition both are owned by the Great Falls Housing Authority. The southern 20 feet of the vacated rights-of-way will be designated as a utility easement to accommodate existing utilities.

For additional information, please refer to the attached Vicinity Map and reduced survey drawing attached to Res. No 9547 as Exhibit “A”.

Attach: Res. No. 9547
Vicinity Map

cc w/o attach: Hessler Architects, 12 6th St S, Great Falls MT 59401
Great Falls Housing Authority, Great Falls MT 59405

RESOLUTION NO. 9547

A RESOLUTION OF INTENTION BY THE CITY
COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,
TO VACATE TWO SEGMENTS OF 3RD AVENUE SOUTH
RIGHT-OF-WAY ABUTTING SUNRISE COURT ADDITION,
IN ACCORDANCE
WITH THE PROVISIONS OF SECTION 7-14-4114,
MONTANA CODE ANNOTATED

* * * * *

WHEREAS, the right-of-way of 3rd Avenue South in the vicinity of 51st & 52nd Streets was dedicated and annexed to the City as part of the Second Supplement to Sunrise Terrace Addition in 1959 and the Sunrise Court Addition in 1976; and

WHEREAS, the northerly right-of-way of 3rd Avenue South abutting Sunrise Court Addition presently contains no roadway improvements; and

WHEREAS, it has been determined retention and eventual improvement of the northerly right-of-way of 3rd Avenue South abutting Sunrise Court Addition serves no practical or functional purpose; and

WHEREAS, the Great Falls Housing Authority, which owns and operates the public housing complex comprising Sunrise Court Addition desires to use the vacated right-of-way to improve the parking arrangement for the complex; and

WHEREAS, subject right-of-way proposed to be vacated is further described by the survey drawing attached as Exhibit "A" and by this reference made a part hereof; and

WHEREAS, an Amended Plat of Lot 1, Block 3, and Lot 1, Block 4, Sunrise Court Addition, has been prepared which reflects the proposed disposition of the right-of-way requested to be vacated; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA

That Tuesday, the 7th day of March, 2006, at 7:00 P.M. in the Commission Chambers of the Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place at which the City Commission shall hear all persons relative to the proposed vacation of the northerly right-of-way of 3rd Avenue South abutting Lot 1, Block 3, and Lot 1, Block 4, Sunrise Court Addition; and

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that the City Clerk of the City shall forthwith cause notice of this Resolution to be: (1) published once in the Great Falls Tribune, the newspaper published nearest such land; and, (2) posted in three public places.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 21st day of February, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

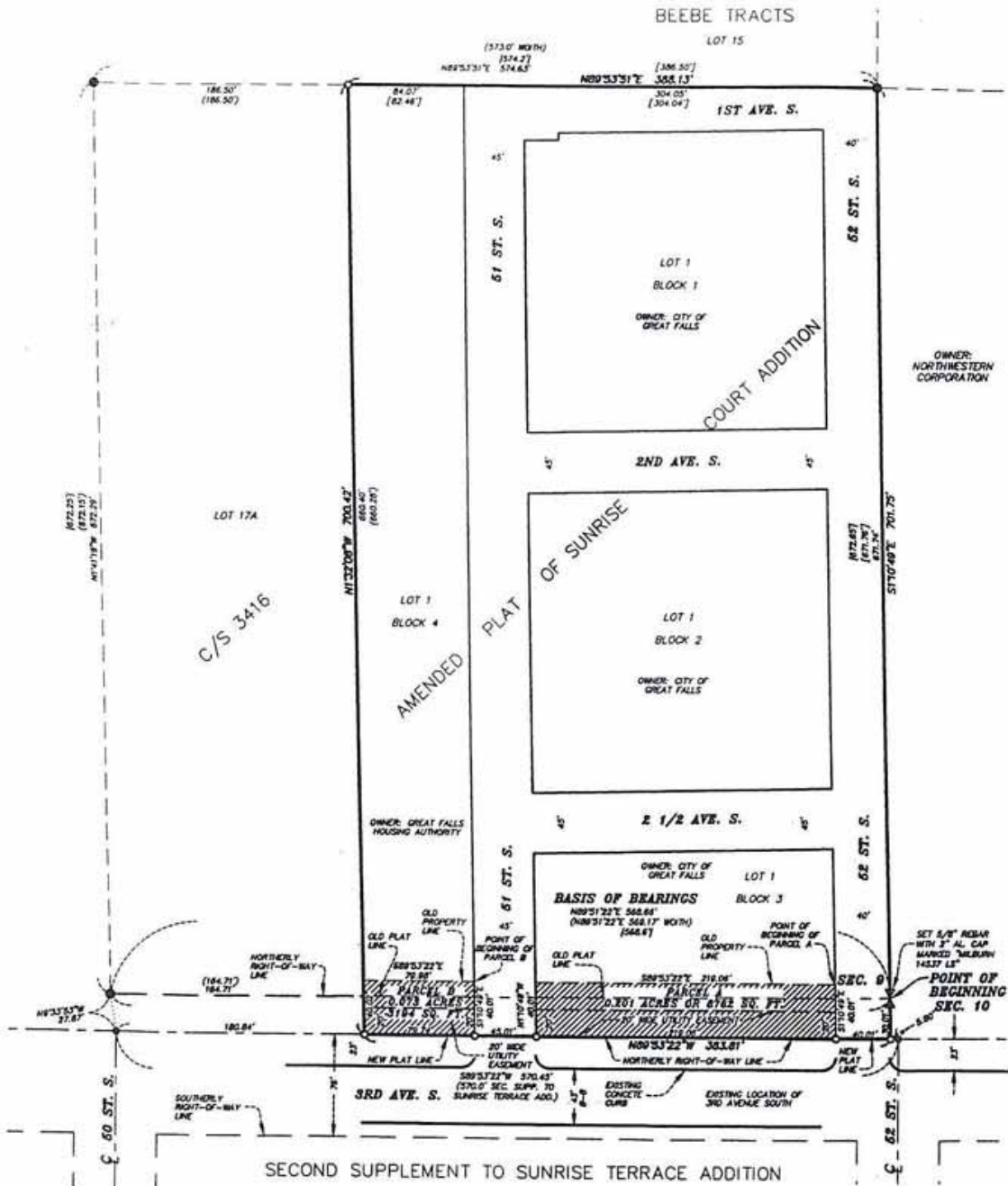
State of Montana)
County of Cascade :ss
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9547 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 21st day of February, 2006, wherein it was approved by said City Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 21st day of February, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)



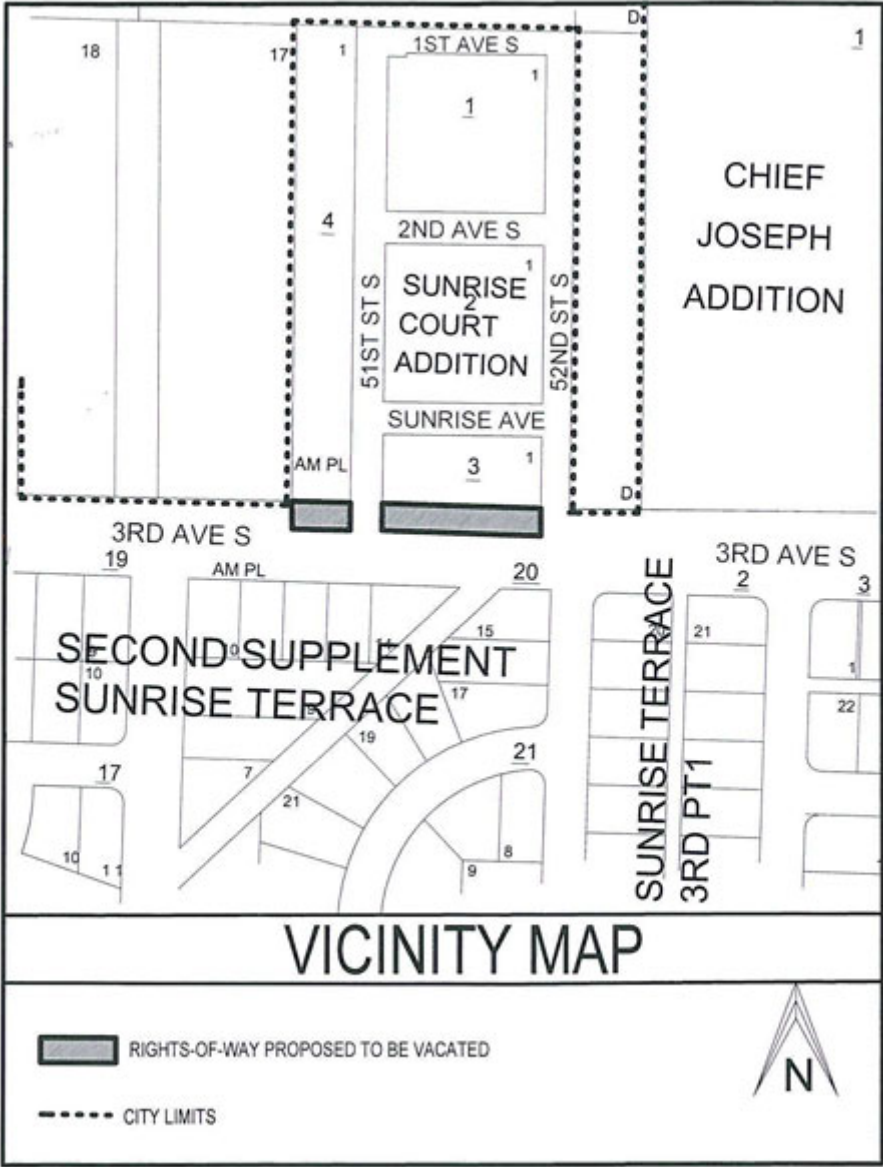
SECOND SUPPLEMENT TO SUNRISE TERRACE ADDITION

RIGHT-OF-WAY TO BE VACATED

PARCEL A: Beginning at the southeast corner of Lot 1, Block 3, AMENDED PLAT OF SUNRISE COURT ADDITION; thence S1°10'49"E, 40.01 feet; thence N89°53'22"W, 383.81 feet; thence N1°10'49"W, 40.01 feet; thence S89°53'22"E, 219.06 feet along the south line of said Lot 1, Block 3 to the POINT OF BEGINNING, containing 0.201 acres.

PARCEL B: Beginning at the southeast corner of Lot 1, Block 4, AMENDED PLAT OF SUNRISE COURT ADDITION; thence S1°10'49"E, 40.01 feet; thence N89°53'22"W, 79.74 feet; thence N1°32'08"W, 40.02 feet along the west line and its southerly extension of said AMENDED PLAT OF SUNRISE COURT ADDITION; thence S89°53'22"E, 79.98 feet along the south line of said Lot 1, Block 4 to the POINT OF BEGINNING, containing 0.073 acres.

EXHIBIT "A"



AGENDA REPORT

DATE February 21, 2006

ITEM Resolution No. 9554 Rescinding Approvals Associated with Source Giant Springs Addition

INITIATED BY Planning Staff

ACTION REQUESTED Commission Adopt Resolution No. 9554

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

RECOMMENDATION:

It is recommended the City Commission adopt Resolution No. 9554.

MOTION:

“I move the City Commission adopt Resolution No. 9554.”

SYNOPSIS:

Resolution No. 9554 rescinds the City Commission action taken on May 7, 1996, to adopt Resolution No. 8799 and approve an Annexation Agreement and Minor Plat, all pertaining to Source Giant Springs Addition.

BACKGROUND:

Source Giant Springs conducts a bottled water operation from a building addressed as 5401 18th Avenue North. In 1996, in order to qualify for a \$100,000.00 economic development loan, Source Giant Springs, Inc., represented by David F. Brown, submitted a petition to annex 5.5 acres of land occupied by said bottled water operation to the City of Great Falls.

On May 7, 1996, the City Commission of the City of Great Falls adopted Resolution No. 8799 annexing Source Giant Springs Addition and approved the accompanying Annexation Agreement and Minor Plat of the Addition.

None of the legal documents associated with the hereinabove mentioned subdivision and annexation, including Resolution No. 8799, the Minor Plat of Source Giant Springs Addition or the referenced Annexation Agreement have ever been filed of record in the Cascade County Clerk and Records Office. Without recordation of the hereinabove mentioned instruments, the subdivision plat and annexation of Source Giant Springs Addition has not been recognized or considered validated.

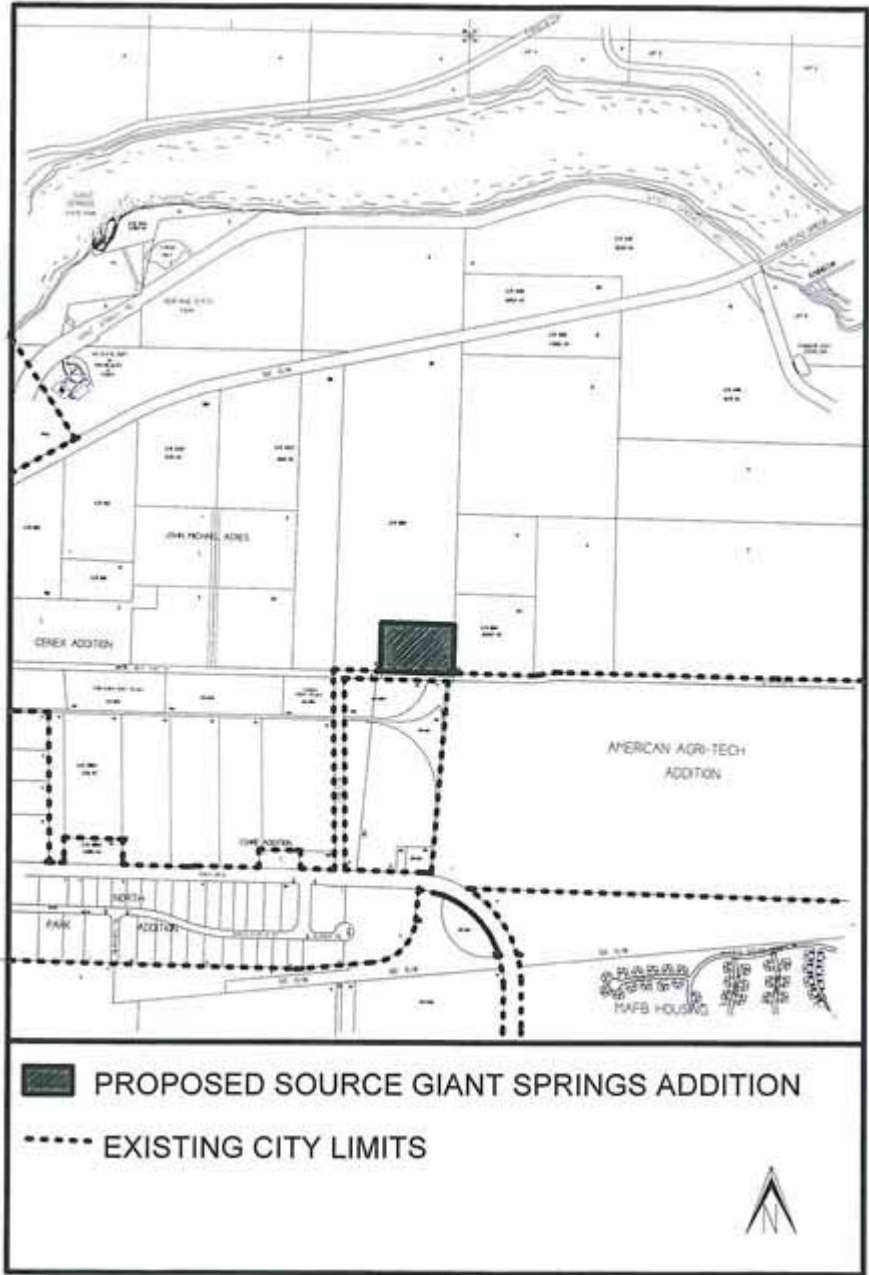
Source Giant Springs bottled water operation presently receives no City utility services including water or sanitary sewer.

Through the attached communication dated January 24, 2006, David F. Brown, President of Source Giant Springs, Inc., notes the previously mentioned \$100,000.00 economic development loan has been paid back and requests the City rescind its actions taken on May 7, 1996, regarding the subdivision and annexation of Source Giant Spring Addition.

Attach: Resolution No. 9554

Vicinity Map

Letter dated Jan. 24, 2006 from David Brown



■ PROPOSED SOURCE GIANT SPRINGS ADDITION

- - - - EXISTING CITY LIMITS



Source Giant Springs, Inc.



January 24, 2006

Great Falls City Commission
c/o Bill Walters, Senior Planner
P.O. Box 5021
Great Falls, MT 59403

Honorable Commissioners,

In 1996 the City approved a minor plat, annexation agreement and annexation resolution No. 8799 all pertaining to Source Giant Springs® Addition. The addition was to consist of 5.51 acres of land surrounding the Source Giant Springs®, Inc. (SGSI) bottled water operation at 5401 18th Avenue North. This annexation was a requirement of a \$100,000 economic development loan that SGSI briefly obtained from the City. Subsequently the loan was paid back in a very timely manner and before all the paperwork for the annexation was completed.

In a January 20, 2006 letter from the City's planning department, we were made aware that because this issue is still in an unresolved state that the City would like to bring the matter to closure. We are, therefore, respectfully requesting that the City Commission rescind its 1996 actions related to this annexation.

Please feel free to contact me at 761-6675 (work) or 781-0411 (mobile). Thank you.

Kindest Regards,

A handwritten signature in blue ink that reads "David F. Brown".

David F. Brown
President



RESOLUTION NO. 9554

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO RESCIND APPROVAL OF THE SUBDIVISION AND ANNEXATION DOCUMENTS FOR SOURCE GIANT SPRINGS ADDITION, LOCATED IN THE SE1/4SE1/4SE1/4 OF SECTION 33, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW.

* * * * *

WHEREAS, Source Giant Springs conducts a bottled water operation from a building addressed as 5401 18th Avenue North; and,

WHEREAS, in 1996, in order to qualify for a \$100,000.00 economic development loan, Source Giant Springs, Inc., represented by David F. Brown, submitted a petition to annex 5.5 acres of land occupied by said bottled water operation to the City of Great Falls; and,

WHEREAS, on May 7, 1996, the City Commission of the City of Great Falls adopted Resolution No. 8799 annexing Source Giant Springs Addition and approved the accompanying Annexation Agreement and Minor Plat of the Addition; and,

WHEREAS, none of the legal documents associated with the hereinabove mentioned subdivision and annexation, including Resolution No. 8799, the Minor Plat of Source Giant Springs Addition or the referenced Annexation Agreement have ever been filed of record in the Cascade County Clerk and Records Office; and,

WHEREAS, without recordation of the hereinabove mentioned instruments, the subdivision plat and annexation of Source Giant Springs Addition has not been recognized or considered validated; and,

WHEREAS, the hereinabove referenced Source Giant Springs bottled water operation presently receives no City utility services including water or sanitary sewer; and,

WHEREAS, through a written communication dated January 24, 2006, David F. Brown, President of Source Giant Springs, Inc., noted the previously mentioned \$100,000.00 economic development loan has been paid back and requested the City of Great Falls rescind its actions taken on May 7, 1996, regarding the subdivision and annexation of Source Giant Spring Addition;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA;

That the City Commission action taken on May 7, 1996, to adopt Resolution No. 8799 and approve an Annexation Agreement and Minor Plat, all pertaining to Source Giant Springs Addition, is hereby rescinded; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective thirty (30) days after its passage and approval.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 21st day of February, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

Approved for legal content: City Attorney

State of Montana)
County of Cascade :ss
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9554 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 21st day of February, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 21st day of February, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL: City Commissioners present: Dona Stebbins, Bill Beecher, Sandy Hinz, Diane Jovick-Kuntz and John Rosenbaum. Also present were the City Manager, Assistant City Manager, City Attorney, Directors of Community Development, Planning, Public Works, Library, Fiscal Services, Acting Police Chief, Acting Fire Chief, Interim Director Park and Recreation, and the City Clerk.

PRESENTATION: Distinguished Budget Award

PUBLIC HEARINGS

**Res. 9544,
Annexation of
Castle Pines
Addition, Phase III.
Adopted.**

**1A. RESOLUTION 9544, ANNEXATION OF CASTLE PINES
ADDITION, PHASE III.**

**1B. ORDINANCE 2927, ZONING FOR CASTLE PINES
ADDITION PHASE III.**

**Ordinance 2927,
zoning for Castle
Pines Addition,
Phase III. Adopted.**

Planning Director Ben Rangel reported that last September the City Commission conditionally approved the preliminary plat of Castle Pines Phase III, a 16 lot single family residential subdivision located in the vicinity of 27th Avenue South and 15th Street South. He explained that Neighborhood Housing Services (NHS) was working with NeighborWorks to acquire at least twelve and possibly all sixteen of the lots in the subdivision to accommodate construction of self-help homes. Funding arrangements stipulate the homes be constructed outside the City limits, but NHS indicated once the homes were completed and ready for occupancy, they would be annexed. Therefore, although the subdivision and annexation would be processed simultaneously, the lots would be sold, homes constructed and infrastructure installed, with annexation becoming effective when the homes were ready for occupancy.

The petitioner asked that the property be zoned R-3 Single-family high density district.

The Planning Board unanimously recommended the City Commission assign the requested zoning classification and approve the final plat and the annexation subject to the following conditions: the applicant signs an annexation agreement; pay all applicable fees and charges; and any errors or omissions on the final plat be corrected. Conditions 1 and 2 have been fulfilled and Condition 3 will be fulfilled prior to filing of the plat.

Mayor Stebbins declared the public hearing open. No one spoke in

opposition to Resolution 9544 or Ordinance 2927. **Sheila Rice, Neighborhood Housing Services**, spoke in support. Mayor Stebbins declared the public hearing closed.

Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission adopt Resolution 9544, approve the final plat of Castle Pines Addition, Phase III and the accompanying Annexation Agreement incorporating a provision entitling the owner reimbursement for a portion of the infrastructure cost in 27th Avenue South.

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioners Hinz and Jovick-Kuntz, that the City Commission adopt Ordinance 2927.

Motion carried 5-0.

OLD BUSINESS

Res. 9545, Golf Fees. Adopted as amended.

2. RESOLUTION 9545, GOLF FEES.

Patty Rearden, Interim Park and Recreation Director, reported that at the January 17, 2006, City Commission meeting, the Commission held a public hearing regarding the proposed 2006 golf fees. At the conclusion of the hearing, the Commission tabled the item in order to consider the input received and to obtain additional information.

Mrs. Rearden stated that the recommended fees were based on the Operational Review and Recommendations Report prepared by the National Golf Foundation (NGF). In addition to the fees recommended by NGF, staff proposed a season cart rental pass in the amount of \$600. All season passes (greens fees, cart rental and trail fees) would be valid March 15 through October 31.

The Park and Recreation Advisory Board supported the golf fee recommendations. The Golf Advisory Board supported the proposed season passes, punch cards, daily greens fees, daily trail fees and cart rental fees as recommended by NGF. However, they suggested alternative fee levels for the season trail fee, cart storage fees and tournament fees.

Resolution 9545 was presented to the City Commission with the following amendments:

- Anaconda 10-play, 18-hole package (anytime) - \$202
- Anaconda 10-play, 9-hole package (weekday) - \$117
- Anaconda 10-play, 9-hole package (anytime) - \$126
- Anaconda or Eagle Falls 10-play, 18-hole package (weekday) -

\$202

- Anaconda or Eagle Falls 10-play, 18-hole package (anytime) - \$216
- Anaconda or Eagle Falls 10-play, 9-hole package (weekday) - \$126
- Anaconda or Eagle Falls 10-play, 9-hole package (anytime) - \$133
- Season trail fee be set at \$250
- Storage for gas cart be set at \$220
- Storage for electric cart be set at \$250
- Eagle Falls 18-hole Green Fee be set at \$24 for weekday and \$27 for weekend
- Anaconda Hills 18 hole weekend Green Fee be set at \$24
- Eagle Falls 9 hole weekend Green Fee be set at \$16
- Anaconda Hills 9 hole weekday Green Fee be set at \$13
- Juniors shall pay a 9-hole Green Fee for 18 holes at all times and for both courses
- The Tournament Fee shall be a non-refundable \$100 and season pass holders shall pay a \$14 18-hole Green Fee at either course and an \$8 9-hole Green Fee at either course
- All other fees would remain as originally recommended by NGF

Commissioner Beecher moved, seconded by Commissioners Hinz and Rosenbaum, that the City Commission remove Resolution 9545 from the table and adopt Resolution 9545 as amended.

Rolland Leitheiser, 136 Sharon Drive, **Mr. Dennis Petrak**, 1909 Colorado Avenue, and **Terry Morton**, 3440 5th Avenue South, urged the Commission to deny the resolution because the fee increases would deter golfers from continuing their memberships and the revenues from the courses would ultimately decrease.

Commissioner Beecher empathized with the golfers stating that no one liked to see prices increase. However, he added, the Commission compared the proposed 2006 golf fees with other golf courses around Montana and found that they were competitive. He agreed that staff should look into establishing a “payment” plan for those who wished to purchase season passes. Commissioner Beecher explained that the City would be monitoring the activity at the golf courses and would take additional action if needed. He also stated that the City was working on other improvements to the courses.

Commissioner Hinz stated that the Commission would be appointing an ad hoc committee to look into the golf-related issues and make recommendations for improvement.

Commissioner Jovick-Kuntz concurred with Commissioner Beecher.

She listed annual membership costs as follows:

- \$525 for 18-holes at Larchmont in Missoula;
- \$525 for 18 holes at Bill Roberts in Helena;
- \$750 for 18-holes at Fox Ridge in Helena;
- \$525 for 18-holes at Peter Yegen Jr., in Billings; and
- \$725 for 18 holes at Lake Hills in Billings.

She concluded, stating that at the Great Falls municipal courses, golfers could play 36-holes for \$525.

Commissioner Rosenbaum concurred with the previous statements.

There being no further discussion, Mayor Stebbins called for the vote. Motion carried 4-1 (Mayor Stebbins dissenting).

NEW BUSINESS

Engage Bear Stearns as Underwriter for Highwood Generating Station. Approved.

3. ENGAGE BEAR STEARNS AS UNDERWRITER FOR HIGHWOOD GENERATING STATION.

City Manager John Lawton explained that the function of the underwriter was to package and sell bonds. He added that underwriters have to set it up so the bonds will sell which meant spreading the risk and establishing layers of security. If the underwriter does not do its job, the bonds won't sell. Mr. Lawton clarified that the bonds cannot not be backed by City taxpayers which would require a vote of the public and was not contemplated.

Fiscal Services Director Coleen Balzarini reported that in December 2005, the City released a request for proposals (RFP) for underwriting services necessary to market and sell bonds in order to finance construction of the Highwood Generating Station. Responses to the RFP were received from six firms. A review of the written responses led to interviews of four firms. The interview panel consisted of the City Manager, Fiscal Services Director, Project Financial Advisor and SME General Manager. The firms interviewed were Bear Stearns, Citigroup, Lehman Brothers/Piper Jaffray and Morgan Stanley.

Mrs. Balzarini explained that Staff recommended retaining Bear Stearns as the senior underwriter.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve engaging Bear Stearns as senior underwriter related to the City of Great Falls' share of the financing for the construction of Highwood Generating Station and authorize the City Manager to finalize the terms of the engagement.

Duane “Red” Urquhart spoke in support of engaging the underwriter and of the proposed plant. **Lisa Hardimann**, 3724 4th Avenue North, and **Ken Thornton**, 31 Paradise Lane, spoke in opposition to the construction of the coal-fired plant.

Commissioner Hinz stated that while she had reservations about the coal-fired plant, she would support this motion to engage an underwriter for the bonds.

There being no further discussion, Mayor Stebbins called for the vote. Motion carried 5-0.

ORDINANCES AND RESOLUTIONS

Res. 9550, Accident Potential Zones and Associated Land Development near MAFB. Adopted.

4. RESOLUTION 9550, ACCIDENT POTENTIAL ZONES AND ASSOCIATED LAND DEVELOPMENT NEAR MAFB.

City Manager John Lawton reported that with the recently announced commercial and residential development near the Accident Potential Zones, public discussion and debate centered around the interest to answer the questions, “Do we want to keep all of our options open for the potential reopening of the former runway at Malmstrom Air Force Base for future flying missions; or do we want to allow economic development to occur within the described Accident Potential Zones?”

He explained that there were two specific viewpoints or rationale driving these questions which included: 1) The runway was an irreplaceable valuable asset and needed to be preserved to make certain we have a long- term, viable military presence; and, 2) The chances of overcoming all the obstacles to reopening the runway were small and we needed to “move on” as a community and allow development we know we can get.

Planning Director Ben Rangel reported that the Planning Office and the City Manager’s Office prepared a discussion paper to help frame the issues. The paper was intended to provide accurate and relevant information to assist open public discussion; assist in the development of position statements; and assist in the development of a public strategy or strategies.

At the time the initial discussion paper was prepared, it was fully recognized that it may spur additional questions and comments, thus creating the need to provide additional information and clarification. The initial discussion paper has done just that. In response, the paper has been revised. It was suggested in the paper that it serve as the basis for an initial information meeting of all major players and stakeholders, including base supporters, property owners, City and County officials and the general public. This initial meeting could also serve as a

listening session to allow all to voice their issues of interest and concern. Depending on the outcome, those entities interested in doing so would then be encouraged to develop “position statements” to help establish community consensus along with helping to frame a possible strategy to jointly address the issue. Perhaps this could lead to creation of a “working group” representing each of the interested entities to, in turn, structure a “Strategy Plan.”

Mr. Rangel stated that the overall intent of the suggested decision-making process was to develop consensus and to develop an action plan that fairly and equitably addressed identified issues and concerns and that Resolution 9550 presented the City Commission’s interest and position regarding this public discussion and debate.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9550.

Owen Robinson, Great Falls Development Authority, and **John Stevens**, spoke in support of the Resolution.

Motion carried 5-0.

**Ord. 2928, Amend
OCCGF 2.26
pertaining to the
Civic Center
Advisory Board.
Accepted on first
reading.**

**5. ORDINANCE 2928, AMEND OCCGF 2.26 PERTAINING TO
THE CIVIC CENTER ADVISORY BOARD.**

City Clerk Peggy Bourne reported that in 1997 the City Commission created the Civic Center Advisory Board. Since that time, some of the responsibilities that were originally incorporated into the Board’s scope of duties have changed. The proposed ordinance eliminates the specific list of duties and replaces it with broad language pertaining to the overall function and operation of the Civic Center as the Mansfield Center for the Performing Arts as well as a convention center. This broad language allows the advisory board to be flexible and adapt to issues as they arise. Additionally, she added, the original ordinance included language that would insinuate the board was a governing board rather than an advisory board. Staff proposed eliminating that language in order to bring the Board in line with the City Commission’s other advisory boards.

Finally, Mrs. Bourne reported that the ordinance would change the name of the board to be the Mansfield Center for the Performing Arts Advisory Board.

Commissioner Hinz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission accept Ordinance 2928 on first reading and set the second and final reading for February 21, 2006.

Motion carried 5-0.

**Ord. 2929, Rezone
GF 11th Addition,
B806, L1-5.**

**Accepted on first
reading and set
public hearing for
March 7, 2006.**

**6. ORDINANCE 2929, REZONE GF 11TH ADDITION, BLOCK
806, LOTS 1-5.**

Planning Director Ben Rangel reported the owners of Lots 1 – 5, Block 806, Eleventh Addition, applied to rezone the lots from R-3 Single-family high density district to C-2 General commercial district. The applicant intended to remove the existing residential structures and combine them with adjoining property to the south to accommodate a proposed 14,820 square foot Walgreens Pharmacy.

On January 10, 2006, the City Zoning Commission conducted a public hearing to consider the rezoning request. Most of the individuals speaking in opposition to the rezoning request expressed concerns about the potential increased traffic that could result from the proposed project. Some expressed concerns with depreciation of property values. In addition, the Board was provided copies of numerous petitions protesting the rezoning signed by parties involved in the businesses which would be displaced by the new development. At the conclusion of the hearing and after considering several different motions ranging from approval of the request with conditions, to tabling the request until a traffic study could be conducted, the Zoning Commission passed a motion recommending the City Commission deny the rezone request. It appeared that most Zoning Commission members did not oppose the Walgreens project but were uncomfortable voting in favor of the rezoning without more information about possible traffic volume increases and ways to mitigate any potential traffic volume problems. Nonetheless, its official motion was for denial.

After the Zoning Commission Hearing, the applicant hired the firm of Robert Peccia & Associates of Helena to conduct a traffic analysis for the proposed project. The analysis was expected to be done by the third week in February, so that the results could be made available to the City Commission. As such, the applicant requested the City Commission hearing on the rezoning be scheduled for March 7, 2006.

Montana Code Annotated 76-2-305 provides that a zoning amendment may not become effective except upon a favorable vote of two-thirds of the present and voting members of the city council if a protest against the change was signed by the owners of 25 percent or more of those lots 150 feet from a lot included in a proposed change. Staff determined 45 percent of the owners of lots within the 150 foot legal protest area have objected to the rezoning. Therefore a super-majority vote of the City Commission was needed to approve the rezoning ordinance.

**Commissioner Beecher moved, seconded by Commissioners Hinz
and Rosenbaum, that the City Commission accept Ordinance 2929**

on first reading and set a public hearing for March 7, 2006, to consider Ordinance 2929.

Motion carried 5-0.

**Ord. 2930,
Annexation to
continue water
and/or sewer
service. Accepted
on first reading.**

**7. ORDINANCE 2930, ANNEXATION TO CONTINUE WATER
AND/OR SEWER SERVICE.**

City Attorney Dave Gliko stated that staff presented Ordinance 2930 for consideration which would require property owners who receive city water and/or services on parcels outside the city limits to consent to annexation of such parcels as a requirement for continuation of water and/or sewer service. It was the intention of the City to implement such annexation on several parcels located outside city limits.

Mr. Gliko added that it has been the policy not to allow water and/or sewer services outside the City limits without annexation. However, a number of parcels located outside the city limits have received such services through utility connections made over 20 years ago. To remain consistent with the City policy of requiring annexation before the extension of water and/or sewer service, it was deemed necessary to annex all parcels located outside the city limits receiving such utility service. MCA 69-7-201 authorizes cities to require annexation of such parcels as a condition of the continuation of existing water and/or sewer service. The Montana Attorney General opined the city must adopt an ordinance requiring such annexation as a condition for the continuation of water and/or sewer services before taking action on such annexation. Therefore, it was recommended the City Commission adopt Ordinance 2930 prior to annexation of those parcels located outside the city limits as a condition of the continuation of city water and/or sewer service.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission accept Ordinance 2930 on first reading and set the second and final reading for February 21, 2006.

Clayton Braden, 2708 4th Avenue NW, stated that in 1957 the City Commission adopted a resolution requiring that properties be annexed prior to receiving city water and sewer service. He asked if the City was revoking that resolution. City Manager John Lawton stated that this ordinance would give the Commission the authority to discontinue water and sewer service to individual properties that have not been annexed into the City. He stated that this ordinance does not pertain to wholesale customers.

Motion carried 5-0.

**Consent Agenda.
Approved as
printed.**

CONSENT AGENDA

8. Minutes, January 17, 2006, Commission meeting.
9. Total expenditures of \$1,705,117 for the period of January 11-30, 2006, to include claims over \$5,000 in the amount of \$1,433,961.
10. Contracts list.
11. Set public hearing for February 21, 2006, for the lease of a portion of Wadsworth Park with the Sun River Skeet Club.
12. Set a public hearing for February 21, 2006, on Resolution 9542, Cost Recovery at 714 6th Avenue South and legally described as GF Townsite, B472, L4.
13. Labor Agreement with Plumbers and Fitters Local 41.
14. Matching grant in the amount of \$8,600 from the Park Special Revenue Fund to Great Falls Lion's Club for purchase and construction of a new play structure in Lion's Park.
15. Change Order 2 in the amount of \$7,258.11 with Wadsworth Builders for the Turf Seeding Phase of the Electric City Soccer Park. (OF 1395.4)
16. Bid award for the North Entry Landscaping Phase II to Forde Nursery in the amount of \$39,702, contingent upon State Department of Transportation concurrence. (OF 1306.4)
17. Postponed bid award for one new 2006 Sewer-Vacuum, Trailer Mounted.
18. Postponed bid award for one new 2006 Sewer-Jet Cleaner, Truck-mounted.
19. Awarded bid for one new 2006 Four Wheel Drive Front-End Loader to Modern Machinery of Missoula, Montana, for \$126,890 including trade-in.

Commissioner Beecher moved, seconded by Commissioner Jovick-Kuntz, that the City Commission approve the Consent Agenda as printed.

Motion carried 5-0.

BOARDS AND COMMISSIONS

**Golf Ad-hoc
Committee.
Appointed
Swanson, Walsh,
Leitheiser, and
Rose as
representatives
from the golfing
community, and
Gilbert and Rudio
as resident-non-
golfers.**

20. APPOINTMENTS, GOLF AD HOC COMMITTEE.

The City Commission expressed interest in creating an Ad-Hoc Committee to advise them and the City Manager on specific and timely issues associated with the future management and operation of the two municipal golf courses. Besides the appointments of a chairman and six members made by the City Commission, staff proposed the City Manager appoint two staff members to serve on the Committee.

The Committee would convene for a limited time period to accomplish certain tasks. It was not recommended that the Committee become a permanent advisory committee to the City Commission. The Golf Ad-

Hoc Committee would not duplicate the advice or purpose of the Golf Advisory Committee.

The Golf Ad-Hoc Committee would be asked to:

- develop a Mission Statement for the operation of the municipal golf courses;
- advise the City Manager and staff on the development of a Request For Proposals (RFP) for Management and Operation of the two municipal courses;
- assist in reviewing and evaluating any proposals received; and
- prepare a recommendation to the City Manager and the City Commission for their consideration concerning future management of the courses.

Staff proposed that the 9-member Golf Ad-Hoc Committee include the following representatives:

- Four persons familiar with the game of golf and golf course management and course condition;
- Two City residents with financial, management or legal expertise but are not golfers;
- Two staff members appointed by the City Manager; and
- Commissioner Jovick-Kuntz as chair.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that the City Commission appoint Diane Jovick-Kuntz as chairman, Dr. Carl Swanson, Mike Walsh, Rolland Leitheiser, and Marilyn Rose as representatives from the golfing community, and John Gilbert and Aaron Rudio as resident-non-golfers.

Motion carried 5-0.

**Airport Authority.
Appointments of
Mangan and
Walhert.**

21. AIRPORT AUTHORITY APPOINTMENTS.

The terms of Michael Carter and David Zoanni expired December 31, 2005. Mr. Zoanni was eligible but was not interested in reappointment. Mr. Carter served two full terms since 1999, and was not eligible for reappointment. Therefore, it was necessary to appoint two new members to the Board.

Commissioner Beecher moved, seconded by Commissioners Jovick-Kuntz and Rosenbaum, that the City Commission appoint Ray Walhert and Jeff Mangan to the Regional Airport Authority for three-year terms through December 31, 2008.

Motion carried 5-0.

**Housing Authority
Appointment of
Joe Boyle.**

22. GREAT FALLS HOUSING AUTHORITY BOARD.

Dawn Bentley McKenney was reappointed to the Housing Authority Board for a five-year term through May 31, 2010. Ms. McKenney submitted her letter of resignation; therefore, it was necessary to appoint one member to fill the remainder of her term.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission appoint Joe Boyle to the Great Falls Housing Authority Board to fill the remainder of a five-year term through May 31, 2010.

Motion carried 5-0.

NEIGHBORHOOD COUNCILS

**Agenda placement
and CALEA.**

24A. Bob Stubbs, Neighborhood Council 4, thanked the Police Department for their presentation regarding the CALEA process. He also encouraged the Commission to move Neighborhood Council reports to the beginning of the agenda.

**Neighborhood
Watch and
fireworks.**

24B. Audrey Finlayson, Neighborhood Council 4, announced a Neighborhood Watch Block Captain meeting and expressed concern about the fireworks at the Legion Park ballpark.

PETITIONS AND COMMUNICATIONS

**Parking at the
Park Manor.**

27. Eve Heim-Hagen and Kathy Royland, 100 Central Avenue, expressed parking concerns for residents at the Park Manor (formerly The Downtowner). The concerns were: people attending events at the Civic Center often parked in the private parking lot designated for Park Manor residents; people attending events at the Civic Center also park in front of Park Manor making it difficult for residents to be picked up and dropped; residents (many of whom are disabled) must walk down the alley behind Park Manor to access their parking lot and often encounter vehicles speeding down the alley. Both Ms. Heim-Hagen and Ms. Royland asked that a speed bump be placed in the alley and that the parking concerns be addressed. City Manager John Lawton stated he would look into their concerns.

Adjourn

ADJOURNMENT

There being no further business to come before the Commission, the regular meeting of February 7, 2006, adjourned at 9:28 p.m.

Mayor Dona R. Stebbins

Peggy Bourne, City Clerk

ITEM: \$5000 Report
 Budget or Contract Claims in Excess of \$5000

PRESENTED BY: City Controller

ACTION REQUESTED: Approval With Consent Agenda

APPROVAL: _____

TOTAL CHECKS ISSUED AND WIRE TRANSFERS MADE ARE NOTED BELOW WITH AN ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$5000:

| | |
|---|----------------------------|
| MASTER ACCOUNT CHECK RUN FOR FEBRUARY 1, 2006 | 465,708.92 |
| MASTER ACCOUNT CHECK RUN FOR FEBRUARY 8, 2006 | 334,247.31 |
| MUNICIPAL COURT ACCOUNT CHECK RUN FOR JANUARY 27, 2006 | 4,530.00 |
| MUNICIPAL COURT ACCOUNT CHECK RUN FOR FEBRUARY 3, 2006 | 1,552.00 |
| WIRE TRANSFERS FROM FEBRUARY 1, 2006 THRU FEBRUARY 13, 2006 | <u>248,045.23</u> |
| TOTAL: \$ | <u><u>1,054,083.46</u></u> |

GENERAL FUND

CITY CLERK

| | | |
|------------------------------|----------------------------------|--------|
| MASTERCARD PROCESSING CENTER | 2006 POLK CITY DIRECTORIES-SPLIT | 231.46 |
|------------------------------|----------------------------------|--------|

LEGAL

| | | |
|-----------------|--------------------|----------|
| JUSTICE SYSTEMS | FULLCOURT SOFTWARE | 6,980.00 |
|-----------------|--------------------|----------|

POLICE

| | | |
|------------------------------|----------------------------------|----------|
| MASTERCARD PROCESSING CENTER | 2006 POLK CITY DIRECTORIES-SPLIT | 1,504.25 |
| NORTHWESTERN ENERGY | DECEMBER 2005 CHARGES-SPLIT | 459.95 |

FIRE

| | | |
|------------------------------|----------------------------------|--------|
| MASTERCARD PROCESSING CENTER | 2006 POLK CITY DIRECTORIES-SPLIT | 231.46 |
| NORTHWESTERN ENERGY | DECEMBER 2005 CHARGES-SPLIT | 649.79 |

PARK & RECREATION

| | | |
|------------------------------|----------------------------------|--------|
| MASTERCARD PROCESSING CENTER | 2006 POLK CITY DIRECTORIES-SPLIT | 28.73 |
| NORTHWESTERN ENERGY | DECEMBER 2005 CHARGES-SPLIT | 259.22 |

SPECIAL REVENUE FUND

PLANNING

| | | |
|------------------------------|----------------------------------|-----------|
| GF TRANSIT DISTRICT | 1ST QTR REIMBURSEMENT | 17,373.30 |
| MASTERCARD PROCESSING CENTER | 2006 POLK CITY DIRECTORIES-SPLIT | 231.46 |

CTEP PROJECT

| | | |
|------------------|---------------------------|------------|
| UNITED MATERIALS | PMT#9-AG PARK SEWER-SPLIT | 125,920.60 |
|------------------|---------------------------|------------|

LIGHTING DISTRICT

| | | |
|---------------------|-----------------|-----------|
| NORTHWESTERN ENERGY | JANUARY CHARGES | 60,791.76 |
|---------------------|-----------------|-----------|

SUPPORT & INNOVATION FUND

| | | |
|----------------------------------|--------------------------------|-----------|
| GF BUSINESS IMPROVEMENT DISTRICT | DECEMBER 2005 TAX DISTRIBUTION | 42,409.09 |
|----------------------------------|--------------------------------|-----------|

911 SPECIAL

| | | |
|-------|-----------------------|--------|
| QWEST | MONTHLY CHARGES-SPLIT | 631.24 |
|-------|-----------------------|--------|

STREET DISTRICT

| | | |
|------------------------------|-----------------------------------|-----------|
| MASTERCARD PROCESSING CENTER | 2006 POLK CITY DIRECTORIES-SPLIT | 77.15 |
| JIM WORKMAN CONSTRUCTION | SKYLINE PARK PH 2 REIMBURSE-SPLIT | 28,274.53 |

LIBRARY

| | | |
|---------------------|-----------------------------|--------|
| NORTHWESTERN ENERGY | DECEMBER 2005 CHARGES-SPLIT | 742.68 |
|---------------------|-----------------------------|--------|

LIBRARY TRUST

| | | |
|------------------------------|----------------------------------|--------|
| MASTERCARD PROCESSING CENTER | 2006 POLK CITY DIRECTORIES-SPLIT | 231.46 |
|------------------------------|----------------------------------|--------|

NATURAL RESOURCE

| | | |
|------------------------------|----------------------------------|--------|
| MASTERCARD PROCESSING CENTER | 2006 POLK CITY DIRECTORIES-SPLIT | 115.47 |
|------------------------------|----------------------------------|--------|

FEDERAL BLOCK GRANTS

| | | |
|-------------------------------|----------------------------------|------------|
| NEIGHBORHOOD HOUSING SERVICES | CDBG ALLOCATION | 133,150.00 |
| MASTERCARD PROCESSING CENTER | 2006 POLK CITY DIRECTORIES-SPLIT | 115.47 |

COMMUNITY DEVELOPMENT

| | | |
|------------------------------|----------------------------------|--------|
| MASTERCARD PROCESSING CENTER | 2006 POLK CITY DIRECTORIES-SPLIT | 115.47 |
|------------------------------|----------------------------------|--------|

DEBT SERVICE

TAX INCREMENT BOND

| | | |
|------------|----------------------|-----------|
| US BANK NA | DEBT SERVICE PAYMENT | 11,196.25 |
| US BANK NA | DEBT SERVICE PAYMENT | 9,188.75 |
| US BANK NA | DEBT SERVICE PAYMENT | 48,098.75 |
| US BANK NA | DEBT SERVICE PAYMENT | 5,371.02 |

ENTERPRISE FUNDS

WATER

| | | |
|------------------------------|-----------------------------------|-----------|
| HOVEN EQUIPMENT CO | FRONT DECK MOWER | 10,995.00 |
| DAVID KUGLIN CONSTRUCTION | PMT#3-SLUDGE BASIN REHAB | 7,436.88 |
| MASTERCARD PROCESSING CENTER | 2006 POLK CITY DIRECTORIES-SPLIT | 115.47 |
| NORTHWESTERN ENERGY | DECEMBER 2005 CHARGES-SPLIT | 6,142.78 |
| JIM WORKMAN CONSTRUCTION | SKYLINE PARK PH 2 REIMBURSE-SPLIT | 47,774.00 |

SEWER

| | | |
|------------------------------|----------------------------------|------------|
| UNITED MATERIALS | PMT#9-AG PARK SEWER-SPLIT | 102,568.47 |
| MASTERCARD PROCESSING CENTER | 2006 POLK CITY DIRECTORIES-SPLIT | 115.47 |

SANITATION

| | | |
|------------------------------|----------------------------------|--------|
| MASTERCARD PROCESSING CENTER | 2006 POLK CITY DIRECTORIES-SPLIT | 77.15 |
| NORTHWESTERN ENERGY | DECEMBER 2005 CHARGES-SPLIT | 200.33 |

SAFETY SERVICES

| | | |
|------------------------------|----------------------------------|----------|
| MASTERCARD PROCESSING CENTER | 2006 POLK CITY DIRECTORIES-SPLIT | 1,041.32 |
| QWEST | MONTHLY CHARGES-SPLIT | 6,268.28 |
| NORTHWESTERN ENERGY | DECEMBER 2005 CHARGES-SPLIT | 114.99 |

PARKING

| | | |
|------------------------|-----------------------------|-----------|
| APCOA/STANDARD PARKING | FEB 2006 COMPENSATION | 21,024.99 |
| NORTHWESTERN ENERGY | DECEMBER 2005 CHARGES-SPLIT | 512.93 |

GOLF COURSES

| | | |
|------------------------------|----------------------------------|-------|
| MASTERCARD PROCESSING CENTER | 2006 POLK CITY DIRECTORIES-SPLIT | 57.46 |
|------------------------------|----------------------------------|-------|

SWIM POOLS

| | | |
|---------------------|-----------------------------|--------|
| NORTHWESTERN ENERGY | DECEMBER 2005 CHARGES-SPLIT | 336.29 |
|---------------------|-----------------------------|--------|

RECREATION

| | | |
|------------------------------|----------------------------------|--------|
| MASTERCARD PROCESSING CENTER | 2006 POLK CITY DIRECTORIES-SPLIT | 28.73 |
| NORTHWESTERN ENERGY | DECEMBER 2005 CHARGES-SPLIT | 454.61 |

INTERNAL SERVICES FUND

HEALTH INSURANCE

| | | |
|------------------------|------------------------------------|-----------|
| BLUE CROSS/BLUE SHIELD | GROUP & HMO CLAIMS-1/25/06-1/31/06 | 80,985.64 |
| BLUE CROSS/BLUE SHIELD | GROUP & HMO CLAIMS-2/1/06-2/7/06 | 93,204.82 |

FISCAL SERVICES

| | | |
|------------------------------|----------------------------------|--------|
| MASTERCARD PROCESSING CENTER | 2006 POLK CITY DIRECTORIES-SPLIT | 231.46 |
|------------------------------|----------------------------------|--------|

INTERNAL SERVICES FUND(CONT)

INFORMATION TECHNOLOGY

MASTERCARD PROCESSING CENTER 2006 POLK CITY DIRECTORIES-SPLIT 231.46

CENTRAL GARAGE

MASTERCARD PROCESSING CENTER 2006 POLK CITY DIRECTORIES-SPLIT 77.15

ENGINEERS

MASTERCARD PROCESSING CENTER 2006 POLK CITY DIRECTORIES-SPLIT 231.46

PUBLIC WORKS

MASTERCARD PROCESSING CENTER 2006 POLK CITY DIRECTORIES-SPLIT 231.46
NORTHWESTERN ENERGY DECEMBER 2005 CHARGES-SPLIT 736.21

PARK & RECREATION ADMINISTRATION

NORTHWESTERN ENERGY DECEMBER 2005 CHARGES-SPLIT 290.75

FACILITY SERVICES

NORTHWESTERN ENERGY DECEMBER 2005 CHARGES-SPLIT 1,411.51

CLAIMS OVER \$5000 TOTAL:

\$ 877,276.38

**CITY OF GREAT FALLS, MONTANA
COMMUNICATION TO THE CITY COMMISSION**

**AGENDA: 11
DATE: February 21, 2006**

ITEM: CONTRACT LIST
Itemizing contracts not otherwise approved or ratified by City Commission Action
(Listed contracts are available for inspection in the City Clerks Office.)

PRESENTED BY: Peggy J. Bourne, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR'S SIGNATURE: _____

CONTRACT LIST

| | DEPARTMENT | OTHER PARTY (PERSON OR ENTITY) | PERIOD | FUND | AMOUNT | PURPOSE |
|----------|-----------------------------------|--|--------------------------------------|---|---------------|---|
| A | Community Development | Montana Department of Commerce | | 274 | \$16,484 | 2005 American Dream Downpayment Initiative (ADDI) Grant |
| B | Park and Recreation Events Office | Julie Klesh | March 9-11, 2006 | | \$1,000 | Letter of Intent and Agreement with Julie Klesh for Made in Montana Marketplace |
| C | Park and Recreation | Benefis Healthcare | January 1, 2006 to December 31, 2006 | None-Benefis funded | \$5,000 | Corporate Sponsor Agreement for Ice Breaker Road Race |
| D | Public Works Engineering | Montana Department of Transportation | Present to 2009 | None-MDT funded | None | O.F. 1444.1, 10 th Street N reconstruction from the 10 th Street Bridge to the north side of Smelter Avenue |
| E | Administration | Upper Missouri Lewis & Clark Bicentennial Commission | Until November 1, 2006 | None-Montana Lewis & Clark Bicentennial | \$1,000 | 2006 Organization and Planning Grant in accordance with Letter of |

| | | | | | | |
|----------|---------------------|--------------------------------------|--------------------------------------|-------------------|-----------------------|---|
| | | | | | | Agreement #2006-012 |
| F | Planning Department | Montana Historic Preservation Office | April 1, 2006 through March 31, 2007 | None-State funded | Not to exceed \$5,500 | State of Montana Agreement Number MT-06-21529-016 |

CITY OF GREAT FALLS, MONTANA

AGENDA # 12

A G E N D A R E P O R T

DATE February 21, 2006

ITEM Citizen Participation Plan - U.S. Department of HUD Funding

INITIATED BY Community Development Staff

ACTION REQUESTED Approve Motion

PREPARED & PRESENTED BY Katrina Stark, CDBG Administrator

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

- - - - -

RECOMMENDATION:

Staff recommends the City Commission approve the motion to adopt the 2006 Citizen Participation Plan for use in funding HUD programs.

MOTION:

I move the City Commission approve the Citizen Participation Plan for use on HUD programs.

SYNOPSIS:

As a condition of receiving U.S. Department of Housing & Urban Development grant funds, it is necessary for the community to have a Citizen Participation Plan to insure citizen input relative to the planning and disbursement of HUD funds.

BACKGROUND:

On January 5, 1995, the U.S. Department of Housing and Urban Development published new regulations governing the Citizen Participation Plan procedures. The City of Great Falls is required to adopt a citizen participation plan, as part of the Consolidated Plan, which sets forth the community's policies and procedures for citizen participation in the planning and distribution of HUD grant funds. A 15 day comment period was held beginning February 5, 2006 and ending February 20, 2006 to obtain citizen comments on this Citizen Participation Plan. No comments were received.

A copy of the Citizen Participation Plan is attached.

City of Great Falls, Montana
Citizen Participation Plan
for the
Consolidated Plan or the Annual Action Plan
January 2006

PURPOSE OF CITIZEN PARTICIPATION IN DEVELOPING THE CONSOLIDATED PLAN:

A key component in creating the HUD required Consolidated Plan is citizen participation in all steps of the planning development process. To ensure citizens in Great Falls have the opportunity to take part in creating the Consolidated or the Annual Action Plan, the City of Great Falls has developed and commits to follow these elements of the Citizen Participation Plan.

THE CITIZEN PARTICIPATION PLAN:

PARTICIPATION: The City of Great Falls will provide for, and encourage, citizen participation emphasizing the involvement of low, very low, and poverty income residents in areas where housing and community development funds may be spent. The City of Great Falls will also inform and offer opportunities for comment to residents of low, very low and poverty income neighborhoods. The City of Great Falls will encourage the participation of the Great Falls Housing Authority and public and assisted housing residents of the Great Falls Housing Authority, and of Opportunities, Inc., and their assisted housing residents in Great Falls. The City will provide Consolidated Plan or Annual Action Plan development information to the Great Falls Housing Authority that will be available at the public hearing required for the Public Housing Agency Plan.

The City of Great Falls will make reasonable efforts to consult with other public, private, and non-profit agencies that provide housing, health services, and social services (including those focusing on services to children, elderly persons, persons with disabilities - including physical, mental and developmental disabilities as well as other persons in need of services). When preparing the portion of the Consolidated Plan or Annual Action Plan concerning lead-based paint hazards, the City of Great Falls will consult with the City/County Health Department in order to examine data identifying the addresses of housing units with children as containing lead. The City of Great Falls will encourage input and solicit information from each of the nine neighborhood councils, notify of all of the public hearings and the Consolidated Plan or the Annual Action Plan development process, and solicit comments.

The City Commission appoints ten citizens who reside within Great Falls to a voluntary advisory board that reviews public service and public facility projects submitted for CDBG funding. This advisory board, the Community Development Council, recommends project funding to the City Commission under the public service and public facility portions of the CDBG funding. The encouragement of lower income, minority, and disabled citizens or their representatives to apply for Community Development Council positions occurs annually; through advance notice of board openings and application information with have adequate time to apply.

ACCESS TO MEETINGS: The City of Great Falls will afford adequate, timely notification of meetings so all citizens can attend the public hearings. This will include, as appropriate, legal

notices, advertisements, press releases, public service announcements, letters or other means of notifying interested parties. The City of Great Falls will also provide reasonable accommodations for persons with disabilities to all public hearings, and local meetings. Reasonable accommodations include but are not limited to holding meetings in handicapped accessible buildings, providing for sign language interpreters, and language interpreters, etc. when requested.

ACCESS TO INFORMATION: The City of Great Falls will provide citizens, public agencies, and other interested parties with reasonable and timely access to information and records relating to the Consolidated Plan or annual Action Plan and all of its components and the City's planned use of financial assistance received under the relevant federal programs during the next year. The public will have the opportunity to receive information, review and submit comments on any proposed submission including the Consolidated Plan adoption by the City of Great Falls City Commissioners and any Plan amendments and its performance reports. The required 30-day comment period on any proposed submission, adoption of the Consolidated Plan or Annual Action Plan submission, and any plan amendments is available as occurring. Information will also be available on the range of programs, the amount of assistance the City expects to receive, the amount of funds available and the estimated amount proposed to benefit low, very low and poverty income residents. These groups will also have access to the City's plans to minimize displacement of residents and businesses and assist those displaced because of these activities. Information and public records will be available during regular business hours in the City Community Development Department. Special arrangements are available to accommodate access to information for persons with disabilities.

TECHNICAL ASSISTANCE: The City of Great Falls will provide appropriate technical assistance to all groups that request assistance in developing proposals for financial assistance under any of the programs covered by the Consolidated Plan.

PUBLIC HEARINGS: To obtain citizens views the City holds at least two public hearings conducted at a minimum of two different stages of the program. The City of Great Falls program year begins July 1 and ends June 30. These public hearings will address and respond to proposals and comments on:

1. Housing and community development needs
2. Development of proposed activities
3. Review of proposed uses for funds
4. Review of program performance

The City of Great Falls attempts to provide public meetings conveniently timed for people who might or will benefit from program funds, accessible to people with disabilities and adequately publicized with sufficient information about the subject of the hearing to permit informed comment. The public hearings occur on a weekday evening in the Civic Center Building, which is centrally located, easily accessible with adequate parking, and handicap accessible.

Throughout the year, citizens may attend the City Commission meetings and public hearings to provide input as to the distribution of federal funds into the City. There will be two public hearings conducted by the City Commission annually. The first public hearing will give citizens the opportunity to comment and provide input on the following:

- Any housing and non-housing community development needs that they have identified and wish addressed
- How funding proposals may meet community development needs in Great Falls
- Performance of the City in administering and distributing federal funds
- Every five years, or anytime the Citizen Participation Plan has substantial revisions or rewritten, citizens may comment on the adoption of the Citizens Participation Plan. Prior to adopting the plan, the City distributes the plan for review and comment for a full 15 days.

The second public hearing will offer the opportunity for the citizens to comment on the following:

- Adoption of the Consolidated or Annual Action Plan
- Use of federal funds
- Performance of the administration and implementation of funded projects

TIMELY RESPONSE: The City of Great Falls will consider any comments or views of citizens, agencies, units of general local government, or other interested parties concerning the Consolidated Plan or Annual Action Plan, any amendments to the Plan and all performance reports. The Community Development Department will address any complaints with written responses to written complaints within 15 working days, where practical. Depending on the nature of the complaint, staff may refer the issue to the City Manager or the City Commission if the response from staff is unsatisfactory to the complainant. As appropriate, an attachment of summary of comments and responses to complaints to the final submission of the Consolidated Plan, the Consolidated Plan Amendments, or the Annual Performance Report will take place.

NON-ENGLISH SPEAKING RESIDENTS: In the event that a significant number of non-English speaking residents can reasonably be expected to participate, the City will provide accommodations for non-English speaking residents in the case of public hearings, if such accommodations are available.

SUBSTANTIAL AMENDMENTS: Substantial changes in the City's planned or actual activities will require an amendment to the Consolidated Plan or Annual Action Plan. The following criterion determines substantial change and governs Consolidated Plan or Annual Action Plan amendments:

1. If a new project that has not previously received funding, is being created with unprogrammed funds, or created from financial changes from other funded projects.
2. If there is a change in the project site location, or the project affects an area, an amendment will be required if the project location changes to a different census tract.
3. If there is a change in project purpose or beneficiaries, such as a project eliminates or reduces by over 50% the proposed impact on the original beneficiaries, and/or if less than 51% of the beneficiaries are determined to be low, very low, or poverty income an amendment will be required. The CDBG administrator will determine on a case-by-case basis if an Amendment is required when the beneficiaries change from one targeted group to another.
4. If the project changes in scope the activity from the original proposal.
5. If a project budget increases by twice the total allocation and the increase exceeds 10% of the City's total current Block Grant allocation.

The City will advertise a notice in the *Great Falls Tribune* and make available any amendments to the Consolidated Plan for citizen comment for a 30-day period.

ANNUAL PERFORMANCE EVALUATION REPORT

The Annual Performance Report is available to all citizens at the Public Library and the City Community Development Office through a notice in the daily newspaper notifying the public of the availability of this report for review and comment for a minimum of 15 days. Any comments received regarding the Annual Performance Report are considered and a summary of all comments is attached to the performance report.

SOLICITATION OF CITIZEN COMMENTS ON THE CITIZEN PARTICIPATION PLAN:

Prior to its adoption and approval by the Great Falls City Commission, the City of Great Falls will publish a legal notice in the *Great Falls Tribune* and *Consumer's Press*. The notices of the plan and/or any amendments to this plan are available for a 15-day comment listing the sites that a citizen may obtain a copy of the plan. The plan and any amendments to this plan are available to citizens at the Great Falls Public Library, the Great Falls city web page (www.ci.great-falls.mt.us) and the City Community Development Office in the Civic Center.

SOLICITATION OF CITIZEN COMMENTS IN PREPARING THE CONSOLIDATED OR THE ANNUAL ACTION PLAN:

1. The City of Great Falls will contact local agencies, the housing authority, the local neighborhood revitalization agency, and the neighborhood councils to obtain information and comments to make citizens aware of the Consolidated or Annual Action Plan process.
2. The proposed Consolidated Plan or Annual Action Plan is available to all citizens at the Public Library, the City Community Development Office, the City's web page (www.great-falls.mt.us) and the Housing Authority. To inform the citizens of the proposed Consolidated Plan or Annual Action Plan, a notice published in the daily newspaper, the free weekly publication, and distributed to various agencies describes the availability of this plan and the 30-day period to receive public comment.
3. City Commission will conduct two public hearings requesting input from the citizens and representatives of low, very low and poverty level people as to the needs of the community, including but not limited to housing, community development, infrastructure, economic development and homeless assistance. A second public hearing conducted to receive citizen comments on the proposed Consolidated Plan or Annual Action Plan occurs after completion of the Plan.

The City will provide a reasonable number of free copies of the Consolidated Plan or Annual action Plan to citizens and groups upon request.

AGENDA REPORT

DATE February 21, 2006

ITEM: ENGINEERING SERVICES CONTRACT: WATER TREATMENT PLANT
FLOCCULATION UPGRADES, O. F. 1332.2

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE ENGINEERING CONTRACT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Approve Engineering Contract between the City of Great Falls and Thomas, Dean & Hoskins, Inc. (TDH) for engineering services to be performed on the Water Treatment Plant Flocculation Upgrades, O. F. 1332.2 for a professional services fee not to exceed \$169,000.

MOTION: "I move the City Commission approve the Engineering Contract between the City of Great Falls and TDH for engineering services on the Water Treatment Plant Flocculation Upgrades, O. F. 1332.2, and authorize the City Manager to execute the contract."

SYNOPSIS: City Staff has negotiated a professional engineering services contract (attached) with TDH to provide project design, construction inspection, and contract administration for the replacement of the flocculation equipment at the Water Treatment Plant.

This project will install new mixing equipment and chlorination analyzer equipment in the flocculation tanks at the Water Treatment Plant. The existing mixing equipment is forty-five years old and requires a great deal of maintenance and repairs. The estimated cost of construction will be approximately \$1.25 million.

BACKGROUND: These engineering services include design, preparation of plans, specifications, contract documents, bidding, and construction management services.

This is one of a series of projects to install plant operational improvements and handle needed maintenance. The purpose of this project is to upgrade mixing equipment in the flocculation tanks at the Water Treatment Plant. Currently, plant staff performs routine maintenance and repairs worn mixing equipment on an as-needed basis. In addition, chlorine analyzers will be installed in the flocculation tanks. The analyzer will enable plant staff to better control the water purification process by better controlling the chlorine concentration in the water.

Attachments: Engineering Services Contract (2 each)

CITY OF GREAT FALLS, MONTANA

AGENDA # 14

A G E N D A R E P O R T

DATE February 21, 2006

ITEM: COMMUNITY RECREATION CENTER ROOF, O.F. 1443.1

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: CONSIDER BIDS AND AWARD CONTRACT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

MOTION: "I move the City Commission award a contract in the amount of \$50,894.00 to McLees Incorporated for the Community Recreation Center Roof, O.F. 1443.1 and authorize the City Manager to execute the contract."

PROJECT TITLE: Community Recreation Center Roof, O.F. 1443.1

RECOMMENDED CONTRACTOR: McLees Incorporated

CONTRACT AMOUNT:

| | |
|-----------|--------------------------------------|
| Base Bid | \$41,774.00 |
| Option #1 | \$9,120.00 (include in award amount) |
| Option #2 | \$18,560.00* |
| Option #3 | \$32,960.00* |

* Options are available on a unit price basis, dependent upon the amount of deterioration discovered after the roofing (Base Bid) is removed.

ENGINEERS ESTIMATE: \$52,000.00

START DATE: April 2006 (Projected)

COMPLETION DATE: June 2006 (60 Calendar Days)

PENALTY/INCENTIVE TERMS: Liquidated Damages, \$400.00/Day

SYNOPSIS: This project will remove and replace a 1,860 square foot section of roof on the front of the building (south side). New metal soffit and fascia trim will be installed along with the new roof.

BACKGROUND: In October 2005, the City Commission approved a contract with Lacy & Ebling Engineering, Inc. (L&E) for engineering services for the roof replacement project. L&E was selected on a rotational basis outlined in the Architect Engineers Surveyors Selection Policy.

L & E designed the new roof and prepared the bid package. Of the two companies that obtained contract documents, only one submitted a bid. The bid from McLees was opened on February 8, 2006.

This project includes demolition and removal of the tectum (overhang) portion of the existing roof, sheathing, insulation, soffit covers and trim. The existing tectum is in poor condition, with minor leaks and moisture damaged soffit. No asbestos is known to be present.

L & E will provide primary inspection and construction management services. City staff will perform some inspection services, project management, and provide technical expertise as needed for the construction.

Attachment: Bid Tabulation Summary

AGENDA REPORT

DATE February 21, 2006

ITEM: ENGINEERING SERVICES AMENDMENT #3 – AGRICULTURAL BUSINESS PARK SANITARY SEWER MAIN EXTENSION, O. F. 1348.1

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE AMENDMENT #3

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Execute amendment #3 between the City of Great Falls and Neil Consultants, Inc. (NCI) to allow compensation for additional engineering design services and for construction management services for the Agricultural Business Park Sanitary Sewer Main Extension, O. F. 1348.1.

MOTION: "I move the City Commission approve engineering amendment #3 with NCI for additional engineering design services and for construction management services for Agricultural Business Park Sanitary Sewer Main Extension, O. F. 1348.1 and authorize the City Manager to execute the documents."

SYNOPSIS: City Staff originally negotiated a professional engineering services contract with NCI to design a new sanitary sewer main to serve the Agricultural Business Park. The City Commission approved the contract on December 2, 2003. On September 7, 2004 engineering amendment #1 was approved for \$43,740. This amendment increased engineering services due to an increase in work scope. Montana Department of Environmental Quality required additional wastewater treatment plant evaluations. Also, additional surveying and design work was included in the amendment. On February 1, 2005 engineering amendment #2 was approved for \$110,210. This amendment enabled NCI to provide design services on the ag-park sewer main and construction management services for the new Ag-Park Lift Station.

Amendment #3 will reimburse NCI for additional construction management services performed. During construction near the Montana Refining Company (MRC), several storm drain modifications along the perimeter of their water treatment facility were needed. MRC also requested an evaluation for access and removal of pumps located in a pump house on the river. Also included in this amendment was the evaluation and design of a groundwater collection sump to collect ground water adjacent to the newly built River's Edge Trail. This amendment increases the cost of services by \$9,315. The engineering contract total will be adjusted from \$405,600 to \$414,915.

BACKGROUND: This project extends sanitary sewer service to the newly developing Agricultural Business Park located on the north edge of Great Falls. NCI assessed the current capabilities of the wastewater collection system and additional requirements necessary to facilitate

the Agriculture Park and other potential growth in that area. The original engineering services contract included pre-design, design, preparation of plans, specifications, and contract documents, bidding, and a minor amount of construction management services.

Attachments: Contract Amendment #3 (2 each)

AGENDA REPORT

DATE: February 21, 2006

ITEM: ENGINEERING SERVICES AMENDMENT #1: WATER TREATMENT PLANT
SLUDGE BASIN REHABILITATION, PHASES II & III, O. F. 1332.5

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE AMENDMENT #1

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Approve Amendment #1 between the City of Great Falls and Neil Consultants, Inc. (NCI) for engineering services to be performed on the Water Treatment Plant Sludge Basin Rehabilitation, Phases II & III, O. F. 1332.5 for a professional services fee not to exceed \$44,640.00.

MOTION: "I move the City Commission approve the Engineering Services Amendment #1 between the City of Great Falls and NCI for additional engineering services on the Water Treatment Plant Sludge Basin Rehabilitation, Phases II & III, O. F. 1332.5, and authorize the City Manager to execute the contract."

SYNOPSIS: City Staff originally negotiated a professional engineering services contract with NCI to provide final design, construction inspection, and contract administration for a concrete liner in one sludge basin at the Water Treatment Plant. The City Commission approved the contract on May 17, 2005. Construction has been completed and that basin is now ready for use.

Amendment #1 will design the rehabilitation of the remaining two sludge basins at the Water Treatment Plant. These additional sludge basin rehabilitation projects will also add concrete liners, a new drain system, and concrete access ramp. The design of the two new basins is similar to phase I, and will therefore greatly reduce the design costs. Actual construction of basins two and three will be done consecutively so as to not interrupt the Water Treatment Plants increased summer operations.

BACKGROUND: These engineering services include final design, preparation of plans, specifications and contract documents, bidding, and construction management services.

This is one of a series of projects to install plant operational improvements. The purpose of this project is to construct concrete bottoms in the final two of three existing sludge basins at the Water Treatment Plant. Currently, plant staff cleans out accumulated sludge each spring off the existing dirt bottoms. Clean out is difficult and weather sensitive. In addition, the existing wet sludge allows water to migrate between basins, causing soft spots in the basin floors. This greatly inhibits the clean out process each spring. The concrete liners will eliminate most of these problems.

Attachments: Engineering Services Amendment #1 (2 each)

AGENDA REPORT

DATE February 21, 2006

ITEM: ONE NEW 2006 SEWER-JET CLEANER, TRUCK MOUNTED

INITIATED BY: PUBLIC WORKS DEPARTMENT

ACTION REQUESTED: AWARD BID

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION:

Staff recommends that the City Commission award the bid for one new 2006 sewer-jet cleaner, truck mounted to Utility Specialties, Inc. of Butte, Montana, for \$161,990.00.

MOTION:

I move that the City Commission award the bid for one new 2006 sewer-jet cleaner, truck mounted to Utility Specialties, Inc. of Butte, Montana, for \$161,990.00.

SYNOPSIS:

The specifications were advertised three times in the Great Falls Tribune and mailed to seven prospective bidders. The bids were opened on January 18, 2006 with four bidders responding.

The bid award was postponed by the City Commission on February 7, 2006 to allow staff additional time to review the bids. Utility Specialties, Inc. was the only bid submitted with no exceptions to the specifications. Normont Equipment and Maric Sales both had exceptions to the specifications critical to the operation of the sewer-jet cleaner. Upon further review of the bids staff recommends rejecting the trade-in offer of \$7,000 for the City's 1996 Ford sewer-jet, Unit #639 offered by Utility Specialties, Inc. The serial number on this unit is 1FDYH81E3SVA79251, license 2-1706. In order to obtain maximum value for the trade-in sewer-jet cleaner staff will offer the equipment for sale to other Montana municipalities which have expressed interest in purchasing the sewer-jet cleaner or sell it through an auction.

BACKGROUND:

This vehicle will be used for waste water main cleaning. Funds for its purchase were provided in the FY 2006-2007 Utilities Budget.

AGENDA REPORT

DATE February 21, 2006

ITEM: ONE NEW 2006 SEWER-VACUUM, TRAILER MOUNTED

INITIATED BY: PUBLIC WORKS DEPARTMENT

ACTION REQUESTED: AWARD BID

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION:

Staff recommends that the City Commission award the bid for one new 2006 sewer-vacuum, trailer mounted to Utility Specialties, Inc. of Butte, Montana, for \$79,419.00.

MOTION:

I move that the City Commission award the bid for one new 2006 sewer-vacuum, trailer mounted to Utility Specialties, Inc. of Butte, Montana, for \$79,419.00.

SYNOPSIS:

The specifications were advertised three times in the Great Falls Tribune and mailed to seven prospective bidders. The bids were opened on January 18, 2006 with four bidders responding.

The bid award was postponed by the City Commission on February 7, 2006 to allow staff additional time to review the bids. Utility Specialties, Inc. was the only bid submitted with no exceptions to the specifications. Normont Equipment and Maric Sales both had exceptions to the specifications critical to the operation of the sewer-vacuum. Upon further review of the bids staff recommends rejecting the trade-in offer of \$4,000 for the City's 1996 Super Products Camel Vac, Unit #639B, offered by Utility Specialties, Inc. The serial number on this unit is SN96910178, license 2-279. In order to obtain maximum value for the trade-in sewer-vacuum staff will offer the equipment for sale to other Montana municipalities which have expressed interest in purchasing the sewer-vacuum or sell it through an auction.

BACKGROUND:

This unit will be used for waste water main cleaning. Funds for its purchase were provided in the FY 2006-2007 Utilities Budget.

**SEWER-JET CLEANER & SEWER-VACUUM
BID LIST**

1. Kois Brothers
P.O. Box 1728
Great Falls, MT 594031728

2. Western Plains Machinery
1215 38th Street North
Great Falls, MT 59401

3. Utility Specialties, Inc.
1150 West Steel Street
Butte, MT 59701

4. Sewer Equipment of America
1148 Depot Street
Glenview, IL 60025

5. I State Truck Center
2121 Vaughn Road
Great Falls, MT 59404

6. Super Products LLC
17000 W. Cleveland Ave.
New Berlin, WI 53151

7. Tri State Truck & Equipment
5024 Tri-Hill Frontage Road
Great Falls, MT 59404

CITY OF GREAT FALLS, MONTANA

AGENDA # 19

AGENDA REPORT

DATE February 21, 2006

ITEM: THREE NEW FRONT DECK MOWERS

INITIATED BY: PUBLIC WORKS DEPARTMENT

ACTION REQUESTED: AWARD BID

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION:

Staff recommends that the City Commission award the bid for three new front deck mowers to Midland Implement of Billings, Montana for \$47,913.00.

MOTION:

I move that the City Commission award the bid for three new front deck mowers to Midland Implement of Billings, Montana for \$47,913.00.

SYNOPSIS:

The specifications were advertised three times in the Great Falls Tribune and mailed to five prospective bidders, with four bidders responding. The bids were opened on February 8, 2006. The low bids submitted by Hoven Equipment for the front deck mowers failed to meet specifications in several critical areas. Midland Implement met the specifications for the front deck mowers.

Staff recommends rejecting the trade-in offers of \$750 for the City's 1996 John Deere F935, serial number MOF935X160332, \$1,000 for the City's 1998 Jacobsen Turfcut T428D, serial number 66138-2332, and \$1,000 for the City's 1998 Jacobsen Turfcut T428D, serial number 66138-1733, offered by Midland Implement. In order to obtain maximum value for the trade-in front deck mowers staff will offer the equipment for sale through an auction.

BACKGROUND:

These units will be used in the Park & Recreation Parks Division. Funds for their purchase were provided in the FY 2006-2007 Central Garage Budget.

**NEW FRONT DECK MOWERS
BID LIST**

1. Midland Implement
P.O. Box 30358
Billings, MT 59107

2. Power Pro
1712 3rd Street NW
Great Falls, MT 59405

3. Yellowstone County Implement
5121 Midland Road
Billings, MT 59101

4. TurfCare and Specialty Products
5450 Holiday Avenue
Billings, MT 59101-6310

5. Hoven Equipment
4181 North Park Trail
Great Falls, MT 59405

CITY OF GREAT FALLS, MONTANA
A G E N D A R E P O R T

AGENDA # 20
DATE Feb 21 2006

Item: Purchase of Golf Course Management Software and POS system

Initiated By: Information Technology

Action Requested: Authorize City Manager to Execute Contract

Prepared By: Jon Legan, IT Operations Manager

Presented By: Coleen Balzarini, Fiscal Services Director

RECOMMENDATIONS:

Staff recommends that the City Commission authorize the City Manager to execute the contract between the City of Great Falls and Vermont Systems. Vermont Systems is a sole source provider (the only known like vendor who will link to our Sungard HTE business software). The purchase will include golf course management software, Point of Sale, hardware, training expenses, maintenance and shipping. Fiscal Services is funding the purchase in order to enhance accounting and reporting capabilities related to golf activities. The cost is quoted at \$38,866. This amount might vary slightly if actual hardware purchases are modified during the implementation phase to better accommodate actual operational needs.

MOTIONS:

I move that the City Commission authorize the City Manager to execute the contract between the City of Great Falls and Vermont Systems for the purchase of GolfTrac software, related hardware and annual maintenance.

SYNOPSIS:

GolfTrac will give us the tools to more effectively manage the city's golf courses. The POS System will provide for accurate records from all levels of the golf facility operation. Every round is tracked, with a name and financial transaction attached. The system would provide a number of benefits including assistance in controls, information, budgeting, reconciliation and marketing. Some of the features provided include: The ability to manage course members in a database, Point of Sale cash registers in the pro shops and concessions areas, a photo I.D. card systems and tee-time reservations.

BACKGROUND:

Members of the I.T. Staff spent significant time researching software vendors. The initial goal was to find a software suite that would give the entire Parks and Recreation department the tools to more effectively do their jobs, i.e. Registrations, Activities, Facilities, Golf Management, etc. What we found was that this goal could be obtained through a number of different module based software systems. The initial purchase is for the golf course operations but additional modules can be added in the future.

Staff from Parks and Recreation, I.T. and Fiscal Services, and the Assistant City Manager sat through software demos of two of the leading software vendors (Active Community Solutions and Vermont Systems). There was little debate on which software seemed more suitable for the City of Great Falls. Vermont Systems software became the immediate favorite due to its more user-friendly graphical interface. The overall consensus was that the Vermont Systems entire suite of products (GolfTrac and RecTrac) was preferred to the competition. The fact that the vendor can link to our business system (Sungard HTE) added to that consensus.

AGENDA REPORT

DATE February 21, 2006

ITEM Appointments, Park & Recreation Board

INITIATED BY City Commission

ACTION REQUESTED Appoint Two New Members and Reappoint One Member

PRESENTED BY City Commission

RECOMMENDATION: It is recommended that the City Commission appoint two new members and reappoint one member to the Park and Recreation Board.

MOTION: I move the City Commission appoint to the Park and Recreation Board _____ and _____ for three-year terms, expiring December 31, 2008; and reappoint John Trovatten for a three-year term expiring December 31, 2008.

SYNOPSIS: The terms of Scot Vance and Sue Hennessey expired on December 31, 2005. Mr. Vance has served on the board since 2000 and is not eligible for reappointment. Ms. Hennessey was originally appointed on October 21, 2003, but is not interested in reappointment. Therefore, it is necessary to appoint two new members to fill their positions. The term of John Trovatten expired on December 31, 2005. Mr. Trovatten is eligible for and interested in reappointment.

BACKGROUND: The Park and Recreation Board consists of seven members who act in an advisory capacity to the City Commission and the City Manager on all matters related to the Park and Recreation program in the City of Great Falls. Per City Ordinance, members must reside within the City.

Continuing members serving on this board are:

- Leslie Postlethwait
- Wyman D. Taylor
- Doug Hickey
- David Simmons

Citizens interested in this board are:

- Ryan K. Burke
- Mark T. Herndon
- Ruthann Knudson
- Bryan W. Thies
- Nancy Walters

CITY OF GREAT FALLS, MONTANA
AGENDA REPORT

AGENDA # 22
DATE February 21, 2006

ITEM Appointment, Business Improvement District

INITIATED BY City Commission

ACTION REQUESTED Appoint One Member

PRESENTED BY City Commission

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RECOMMENDATION: It is recommended that the City Commission appoint one member to the Business Improvement District to fill the remainder of a four-year term.

MOTION: I move the City Commission appoint Anthony J. Longin to the Business Improvement District to fill the remainder of a four-year term through June 30, 2007.

SYNOPSIS: Joseph Boyle was appointed to the Business Improvement District on March 3, 2005, for a four-year term. Mr. Boyle was appointed to the Great Falls Housing Authority Board on February 7, 2006; therefore, he has resigned from the Business Improvement District.

At the time of Mr. Boyle's appointment to the BID, Anthony J. Longin's application was the only other application considered. Due to a clerical error, Mr. Longin was informed by letter that he was appointed to the BID when in fact, the Commission actually appointed Mr. Boyle. Mr. Longin was informed of the error and was offered his application to be considered for other future advisory board openings. It is recommended by City staff that the Commission consider the appointment of Mr. Longin to the BID to replace the vacancy created by the recent resignation of Mr. Boyle. The Business Improvement District supports this appointment.

BACKGROUND: The Business Improvement District consists of seven members appointed by the City Commission. Members must be owners of property within the boundaries of the Business Improvement District or their personal representative, agent, or guardian (MCA§7-12-1121). The B.I.D. oversees the functions, operations, management and administration as necessary to carry out the purposes and objectives of the Business Improvement District.

Continuing members of this board are:

- Andrew Davidson
- Julie Senger Duffy
- Allison Fried
- Ira Kaufman, Jr.
- Phil Kiser
- Bill Stuff